

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
W/S York Road, 542.27' N of	
Schwartz Avenue	* DEPUTY ZONING COMMISSIONER
(6400 York Road)	
9th Election District	* OF BALTIMORE COUNTY
4th Councilmanic District	
	* Case No. 96-261-SPH
Scripps Howard Broadcasting Co.	
Petitioner	*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 6400 York Road, located in the vicinity of Schwartz and Walker Avenues, near the Baltimore City/Baltimore County line. The Petition was filed by the owner of the property, Scripps Howard Broadcasting Company, by H. Joseph Lewin, General Manager, through their attorney, Stephen J. Nolan, Esquire. The Petitioner seeks approval of an amendment to the special exception and site plan granted in prior Case No. 84-268-XSPH, and the modification of Restriction No. 2 of the Order issued June 18, 1992 in prior Case No. 92-420-SPHA to permit the addition of transmitting equipment to an existing satellite dish located in the side/rear yard of the subject property. The property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were H. Joseph Lewin, General Manager, WMAR TV and the Scripps Howard Broadcasting Company property owner, William F. Kirwin, Jr., Registered Landscape Architect, who prepared the site plan for this project, Joseph Bruno, Director of Engineering for WMAR TV, and Stephen J. Nolan, Esquire, attorney for the Petitioner. Appearing as an interested citizen in the matter was Jean K. Duvall, a nearby resident of the Rodgers Forge Community.

ORDER RECEIVED FOR FILING

Date 3/26/96

By [Signature]

MICROFILMED

Testimony and evidence offered revealed that the subject property consists of approximately 4.1 acres total, more or less, split zoned D.R. 5.5 and B.L.-C.C.C., and is located on the west side of York Road, just north of the York Road Plaza. The property is the home of WMAR TV in Baltimore and is improved with a two-story stone building and numerous satellite receiving dishes which are utilized by WMAR TV in furtherance of their broadcasting and production of television programs. The Petitioner comes before me at this time seeking amendments to the previously approved site plan and special exception granted in Case No. 84-268-XSPH to permit the addition of transmitting equipment to one of the satellite dishes located to the rear of the subject site, as more particularly shown on Petitioner's Exhibit 1. The equipment itself consists of a small white box which will be added to the existing antenna and will not look any different than the existing antenna. Mr. Lewin testified that in order to be competitive with other television stations, WMAR deems it necessary to have transmitting equipment so that they may send news stories from their station out to other stations around the nation.

As noted above, Ms. Jean Duvall, a nearby resident of the area, appeared as an interested citizen. Ms. Duvall testified that WMAR TV has provided her with information concerning this transmitting equipment and that she had her own experts review and interpret the data and statistics contained therein. Ms. Duvall stated that she is fully satisfied that she and her neighbors will have no problems with the addition of this transmitting equipment, so long as certain safety measures are undertaken to ensure that no one is permitted to tamper with or vandalize this equipment.

Mr. Nolan introduced as Petitioner's Exhibit 7 an agreement which had been reached between WMAR TV and the residents of the Rodgers Forge

Community and the Schwartz Avenue Community regarding the installation of this transmitting equipment. That agreement shall be appended to this Order, and enforceable as if a part of this decision. Furthermore, the parties agree that the time frame within which the provisions of Paragraphs A through E of Petitioner's Exhibit 7 shall be performed within forty-five (45) days of the date of this Order.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20<sup>th</sup> day of March, 1996 that the Petition for Special Hearing to approve an amendment to the previously approved special exception and site plan in prior Case No. 84-268-SXPH, and the modification of Restriction No. 2 of the Order issued June 18, 1992 in prior Case No. 92-420-SPHA to permit the addition of transmitting equipment to an existing satellite dish located in the side/rear yard of the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the

ORDER RECEIVED FOR FILING

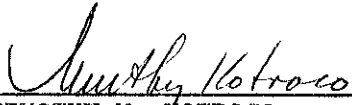
Date

By

30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Compliance with the provisions and conditions set forth in Petitioner's Exhibit 7, the agreement between the Rodgers Forge Community and the Schwartz Avenue Neighborhood Group, a copy of which has been attached hereto and made a part hereof.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

March 20, 1996

(410) 887-4386

Stephen J. Nolan, Esquire  
210 W. Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
W/S York Road, 542.27' N of Schwartz Avenue  
(6400 York Road)  
9th Election District - 4th Councilmanic District  
Scripps Howard Broadcasting Co. - Petitioner  
Case No. 96-261-SPH

Dear Mr. Nolan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. H. Joseph Lewin, General Manager, WMAR TV  
6400 York Road, Baltimore, Md. 21212

Mr. Joseph M. Bruno, 11 Glen Lyon Court, Phoenix, Md. 21131  
Mr. William F. Kirwin, 28 E. Susquehanna Avenue, Towson, Md. 21204

Ms. Jean K. Duvall, 227 Murdock Road, Baltimore, Md. 21212

People's Counsel

Case File

MICROFILMED





# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6400 York Road

96-261-SPH

which is presently zoned D.R.5.5 and  
B.L.-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment to the special exception and site plan previously granted in Case No. 84-268-XSPH and the modification of Restriction No. 2 in the June 18, 1992 Order in Case No. 92-420-SPHA to permit the addition of transmit equipment to one (1) existing satellite dish in the rear/side yard.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

Stephen J. Nolan

(Type or Print Name)

Signature

210 W Pennsylvania Avenue  
Suite 700 823-7800

Address Phone No.

Towson MD 21204

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): SCRIPPS HOWARD BROADCASTING CO.

By: H. Joseph Lewin

General Manager

(Type or Print Name)

Signature

(Type or Print Name)

Signature

6400 York Road 372-2300

Address Phone No.  
Baltimore MD 21212

City State Zipcode  
Name, Address and phone number of representative to be contacted.

Joseph Bruno

Name  
6400 York Road 372-2602

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL ☒ OTHER ☐

REVIEWED BY: CAM DATE: 4/2/96

**ZONING DESCRIPTION**  
**SUBJECT SITE**  
**WMAR TV**  
**PARCEL NO. 1**

96-261-SPH



BEGINNING for the same on the West side of York Road 66 feet wide at point in the 6th line of the land which by Deed dated May 10, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2693, folio 236, at the distance of 542.27 feet measured along said 6th line from the beginning thereof, and running thence and binding on the West side of York Road and referring the courses of this description to the Baltimore County Metropolitan District Grid Meridian, North 1 degree 10 Minutes 20 Seconds East 260.00 feet to a point in line with the Southernmost side of a paved driveway leading Westerly from York Road, thence leaving the West side of York Road and binding for most of the distance along the Southernmost side of said driveway, together with the right to use the same in common with others entitled thereto, North 69 Degrees 52 Minutes 54 Seconds West in all 500.00 feet to a point in said driveway 5 feet more or less from the Southernmost side of said driveway, thence South 20 Degrees 07 Minutes 18 Seconds West 262.98 feet and South 71 Degrees 33 Minutes 14 Seconds East 584.68 feet to the place of beginning.

CONTAINING 3.1756 acres more or less.

**PARCEL NO. 2**

BEGINNING for the same at the end of the third line of a parcel of land which by Deed dated November 15, 1961 and recorded among the Land Records of Baltimore County in Liber W.J.R. 3922, folio 296, and recorded among the Land Records of Baltimore County in Liber R.R.G. 4678, folio 270, North 20 Degrees 07 Minutes 18 Seconds East 256.28 feet, thence binding the second parcel of said second aforementioned deed the three following lines, viz: by a line curving to the left having a radius of 225.00 feet for the distance of 71.46 feet, said arc being subtended by a chord bearing South 85 Degrees 56 Minutes 43 Seconds West 71.16 feet, thence by a curve to the right having a radius of 400.00 feet for the distance of 42.90 feet, said arc being subtended by a chord bearing South 79 Degrees 55 Minutes 08 Seconds West 42.88 feet, thence by a curve to the right having a radius of 90.00 feet for the distance of 50.14 feet, said arc being subtended by a chord bearing North 80 Degrees 23 Minutes 01 Seconds West 49.49 feet, thence running for lines of division now made, South 16 Degrees 48 Minutes 58 Seconds West 200.94 feet and South 71 Degrees 33 Minutes 14 Seconds East 139.11 feet, binding for a part on all of the fourth line to the place of beginning.

CONTAINING 0.7492 of an acre of land, more or less.

Total acreage for Parcel 1 and Parcel 2 is 4.0248 acres.

WILLIAM F. KIRWIN, INC.

Landscape Architecture  
Land Planning  
Environmental Design

28 E. Susquehanna Avenue  
Towson, MD 21286-5218  
Phone: 410.337.0075  
Fax: 410.823.3827



**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

District 9 Date of Posting 1/29/96  
Posted for: Special Hearing  
Petitioner: Scripps Howard Broadcasting Co.  
Location of property: 6400 York Road  
Location of Signs: Corner of York & Entrance Driveway  
Remarks: \_\_\_\_\_  
Posted by Joe Lebach / Jeff Perlow Date of return: \_\_\_\_\_  
Number of Signs: 1

Signature

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the following dates:

Case #85-251-SPH (Item 259)  
6400 York Road  
W/S York Road, S4227 N of  
Schwitz Avenue  
9th Election District  
4th Courthouse

Legal Owner(s):  
Scripps Howard Broadcast-

ing Company  
Special Hearing to approve an amendment to the special exception and site plan previously granted in case #84-268-XSPH and the modification of restriction #2 in the 671892 order in case #92-420-SPH-A to permit the addition of transmit equipment to one existing satellite dish in the rear/side yard.  
Hearing: Wednesday, February 14, 1996 at 9:00 a.m. in Rm. 106, County Office Building.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the file and/or Hearing, Please Call 887-3391.

1/20/8 Jan 25 C27844

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 1/25, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/25, 1996.

**THE JEFFERSONIAN,**

*A. H. Erickson*  
**LEGAL AD. - TOWSON**

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

NO.

96-261-SPH

DATE

4/2/96

ACCOUNT

R-001-6150

CAN

090

AMOUNT

\$ 285.00

RECEIVED  
FROM:

Nolan Plushuff & W. H. Co.

FOR:

SPH 6400 York Rd

MICROFILMED

03A2 130219MICRC

\$285.00

EN 000318PMDT 04-96

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

TO: PUTUXENT PUBLISHING COMPANY  
January 25, 1996 Issue - Jeffersonian

Please forward billing to:

Stephen J. Nolan, Esq.  
210 W. Pennsylvania Avenue #700  
Towson, MD 21204  
823-7800

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### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-261-SPH (Item 260)  
6400 York Road  
W/S York Road, 542.27' N of Schwartz Avenue  
9th Election District - 4th Councilmanic  
Legal Owner: Scripps Howard Broadcasting Company

Special Hearing to approve an amendment to the special exception and site plan previously granted in case #84-268-XSPH and the modification of restriction #2 in the 6/18/92 order in case #92-420-SPHA to permit the addition of transmit equipment to one existing satellitted dish in the rear/side yard.

HEARING: WEDNESDAY, FEBRUARY 14, 1996 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

January 19, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-261-SPH (Item 260)  
6400 York Road  
W/S York Road, 542.27' N of Schwartz Avenue  
9th Election District - 4th Councilmanic  
Legal Owner: Scripps Howard Broadcasting Company

Special Hearing to approve an amendment to the special exception and site plan previously granted in case #84-268-XSPH and the modification of restriction #2 in the 6/18/92 order in case #92-420-SPHA to permit the addition of transmit equipment to one existing satellitted dish in the rear/side yard.

HEARING: WEDNESDAY, FEBRUARY 14, 1996 at 9:00 a.m. in Room 106, County Office Building.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Scripps Howard Broadcasting Co./Joseph Bruno  
Stephen J. Nolan, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

February 9, 1996

NOTICE OF REASSIGNMENT

Rescheduled from 2/14/96  
CASE NUMBER: 96-261-SPH (Item 260)  
6400 York Road  
W/S York Road, 542.27' N of Schwartz Avenue  
9th Election District - 4th Councilmanic  
Legal Owner: Scripps Howard Broadcasting Company

Special Hearing to approve an amendment to the special exception and site plan previously granted in case #84-268-XSPH and the modification of restriction #2 in the 6/18/92 order in case #92-420-SPHA to permit the addition of transmit equipment to one existing satellited dish in the rear/side yard.

HEARING: FRIDAY, MARCH 1, 1996 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON  
DIRECTOR

cc: Scripps Howard Broadcasting, Co.  
Stephen J. Nolan, Esq.  
Jean K. Duvall  
Janice M. Moore





Baltimore County  
Department of Permits and  
Development Management

Permits and Licenses  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
(410) 887-3900  
Fax: (410) 887-2824

February 7, 1996

Stephen J. Nolan, Esquire  
210 W Pennsylvania Avenue  
Suite 700  
Towson, MD 21204

RE: Item No.: 260  
Case No.: 96-261-SPH  
Petitioner: Scripps Howard  
Broadcasting Co.

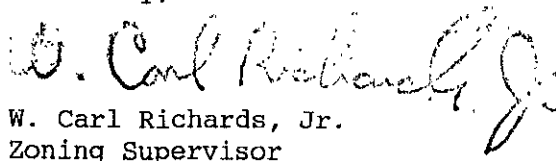
Dear Mr. Nolan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 4, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:   Arnold Jablon, Director           DATE:   Jan. 26, 1996  
      Zoning Administration and Development Management

FROM *RWB* Robert W. Bowling, P.E., Chief  
      Development Plans Review Division

RE:    Zoning Advisory Committee Meeting  
      for January 22, 1996  
      Item No. 260

The Development Plans Review Division has reviewed the subject zoning item. Past landscape requirements have been complied with. A landscape plan should be submitted that addresses the proposed buffering of the dish in front, that is visible from York Road.

RWB:sw

*Microfilm*

B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO:      Arnold Jablon, Director  
         Permits and Development  
         Management

DATE:   January 18, 1996

FROM:   Pat Keller, Director  
         Office of Planning

SUBJECT:   Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 254, 255, 257, 258, (260) 263, and 264

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Cary L. Kerns

PK/JL

MICROFILMED

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 01/17/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 16, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 253, 254, 255, 256, 257,  
258, 259, 260, 261, 263 AND 264.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



**Maryland Department of Transportation  
State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

1-16-96

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 260 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/45 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

*for* *Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

P.P.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
6400 York Road, W/S York Road, 542.27'		
N of Schwartz Avenue, 9th Election	*	ZONING COMMISSIONER
District, 4th Councilmanic		
	*	OF BALTIMORE COUNTY
Scripps Howard Broadcasting Company		
Petitioners	*	CASE NO. 96-261-SPH

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Charles S. Demilio

CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to Stephen J. Nolan, Esquire, 210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

96587

2/6/96  
Y

227 Murdock Road  
Baltimore, MD. 21212  
H - 377-4541  
FAX - (410) 377-5050

January 25, 1996

Ms. Gwen Stevens  
Zoning Office  
County Office Building  
Towson, MD. 21204  
887-3391  
FAX - (410) 887-5708

RE: Petition for Special Hearing  
6400 York Road  
Scripps Howard  
Broadcasting Co.  
WMAR - TV

Dear Ms. Stevens,

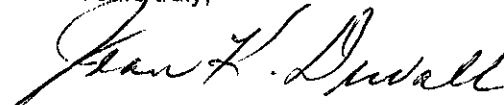
We have just learned that the county has scheduled a hearing on the morning of February 14, 1996 for the above named property. Mr. Stephen Nolan, attorney for WMAR, has informed me that they have a conflict for the time scheduled, and will request a change. The same is true for Rodgers Forge.

Therefore, the Rodgers Forge Community Association formally requests that another date be set.

Please notify me when you reschedule.

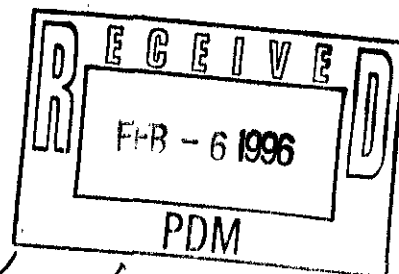
Thank you for your consideration and time regarding this matter.

Yours truly,



Jean K. Duvall  
RFCA - External Affairs

CC: Janice M. Moore  
138 Dumbarton Road  
Baltimore, MD. 21212



*Follow up on FAX of 1/25/96  
of the above  
Thanks,  
Gwen*

606-553-1111

NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN\*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
C. WILLIAM CLARK  
E. BRUCE JONES\*\*  
J. JOSEPH CURRAN, III  
STUART A. SCHADT

LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**  
**CHARTERED**

SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(410) 823-7800  
TELEFAX: (410) 296-2765

JAMES D. NOLAN  
(RETIRED 1980)  
J. EARLE PLUMHOFF  
(1940-1988)  
RALPH E. DEITZ  
(1918-1990)

WRITER'S DIRECT DIAL  
823- 7853

\*ALSO ADMITTED IN D.C.  
\*\*ALSO ADMITTED IN NEW JERSEY

January 4, 1996

HAND DELIVERY

Arnold Jablon, Director  
Baltimore County Department of  
Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Scripps Howard Broadcasting Company  
d/b/a WMAR-TV Channel 2  
Petition for Special Hearing  
6400 York Road  
9th Election District  
4th Councilmanic District

Dear Mr. Jablon:

As local counsel to Scripps Howard Broadcasting Company, the owner of WMAR-TV Channel 2, I am hand delivering to your professional staff the following:

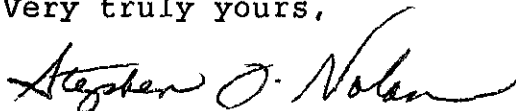
1. Three (3) original signed Petition for Special Hearing forms;
2. Twelve (12) site plans prepared by William F. Kirwin, Inc.;
3. One (1) 200 scale zoning map with the property delineated;
4. Five (5) copies of the Zoning Description of the subject property sealed by William F. Kirwin, Jr., R.L.A.; and
5. Our firm's escrow check in the amount of \$285.00 payable to "Baltimore County, Maryland" to cover the filing fee and sign fee.

Arnold Jablon, Director  
January 4, 1996  
page two

We would greatly appreciate it if Ms. Stephens could set the hearing for the earliest possible date.

Thank you for your kind assistance.

Very truly yours,



Stephen J. Nolan

SJN/mao

cc: Mr. H. Joseph Lewin  
General Manager, WMAR-TV (w/enclosure)  
Mr. Joseph M. Bruno  
Director of Engineering, WMAR-TV (w/enclosure)  
William F. Kirwin, Jr., R.L.A.

MICROFILMED

NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN\*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
C. WILLIAM CLARK  
E. BRUCE JONES\*\*  
J. JOSEPH CURRAN, III  
STUART A. SCHAFF

LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**

**CHARTERED**

SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(410) 823-7800  
TELEFAX (410) 296-2765

JAMES D. NOLAN  
(RETIRED 1980)  
J. EARLE PLUMHOFF  
(1940-1988)  
RALPH E. DEITZ  
(1918-1990)

WRITER'S DIRECT DIAL  
823-7853

\*ALSO ADMITTED IN D.C.  
\*\*ALSO ADMITTED IN NEW JERSEY

January 25, 1996

**VIA HAND DELIVERY**

Ms. Gwen Stephens  
Hearings Docket Clerk  
Baltimore County Department of  
Permits and Development Management  
County Office Building  
Towson, Maryland 21204

Re: Case No.: 96-261-SPH (Item 260)  
6400 York Road  
Our Client: Scripps Howard Broadcasting Company

Dear Ms. Stephens:

Pursuant to our telephone discussion of this afternoon, I am hereby requesting that the 9:00 a.m. start time for the hearing scheduled on February 14, 1996, be moved to 2:00 p.m. that day. The reason for this request is that the station engineer has a previously scheduled Tower Board meeting with other area stations at 9:00 a.m. on that date.

Thank you for your assistance.

Very truly yours,

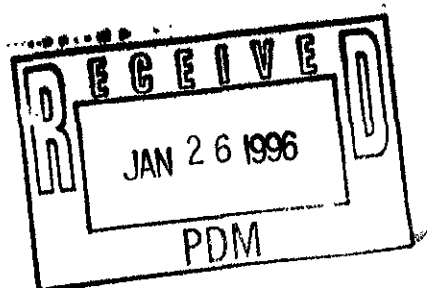


Stephen J. Nolan

SJN/mao

cc: Joseph M. Bruno  
Director of Engineering  
WMAR-TV

Mr. William F. Kirwin



*File*

NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN\*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
E. BRUCE JONES\*\*  
J. JOSEPH CURRAN, III  
CHRISTINE K. MCSHERRY

LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**  
**CHARTERED**

SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340

(410) 823-7800  
TELEFAX: (410) 296-2765

JAMES D. NOLAN  
(RETIRED 1980)

J. EARLE PLUMHOFF  
(1940-1988)

RALPH E. DEITZ  
(1918-1990)

OF COUNSEL

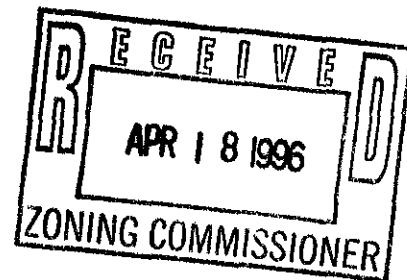
T. BAYARD WILLIAMS, JR.

WRITER'S DIRECT DIAL  
823-7853

\*ALSO ADMITTED IN D.C.  
\*\*ALSO ADMITTED IN NEW JERSEY

April 16, 1996

The Honorable Timothy M. Kotrocco  
Deputy Zoning Commissioner  
for Baltimore County  
Suite 112 Courthouse  
400 Washington Avenue  
Towson, Maryland 21204



Re: PETITION FOR SPECIAL HEARING  
W/S York Road, 542.27' N of Schwartz Avenue  
(6400 York Road)  
9th Election District - 4th Councilmanic District  
Scripps Howard Broadcasting Co. - Petitioner  
Case No. 96-261-SPH

Dear Commission Kotrocco:

Thank you for your letter dated March 20, 1996, together with a copy of the decision rendered in the above-captioned matter.

Together with a copy of this letter I am mailing a copy of your decision to Ms. Roberta Carter, the community representative for the Schwartz Avenue Neighborhood Group.

Please make this letter a part of the zoning file so that it will be reflected that Ms. Roberta Carter met with representatives of the petitioner at WMAR prior to the zoning hearing. Ms. Carter asks that we place this letter in the zoning file so that interested persons will be made aware of the fact that she was the spokesperson for the Schwartz Avenue Neighborhood Group with whom we worked.

Thank you for your kind assistance.

Very truly yours,

*Stephen J. Nolan*  
Stephen J. Nolan

SJN/dlp

cc: Mr. H. Joseph Lewin, General Manager, WMAR TV  
Mr. Joseph M. Bruno  
People's Counsel  
Ms. Roberta Carter  
(w/enclosures)

APR 18 1996

96-261 SPH

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

STEPHEN J. NOCAN

210 W. PENN. AVE.

TOWSON, MD 21204

DAN KIRWIN

18 E. SUDDAVE TOWSON 21286

JOSEPH M. BRUNO

11 GLEN LYON CT. PHOENIX, MD 21131

H. JOSEPH LEWIN

105 GOODALE RD BALT, MD 21212

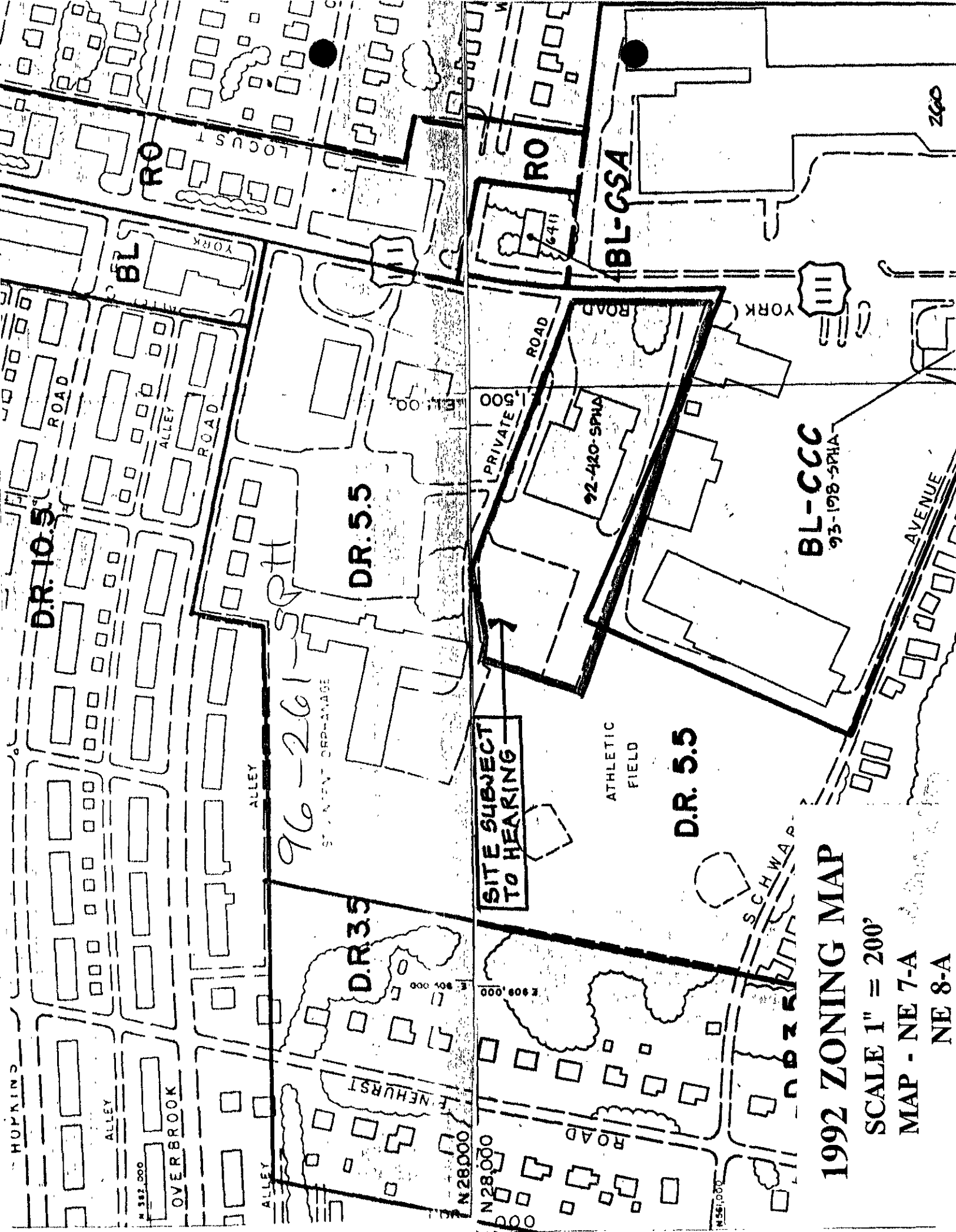
Send copy to  
her  
Janet D. Dwyer  
(Participant)

227 Murdock Rd BALT 21212



Printed with Soybean Ink  
on Recycled Paper

10/15/2011 11:11 AM



DR. 10.5

BL

RO

DR. 5.5

DR. 3.5

RO

BL-GSA

BL-CCC  
93-198-SPA

92-420-SPA

DR. 5.5

SITE SUBJECT  
TO HEARING

ATHLETIC  
FIELD

1992 ZONING MAP

SCALE 1" = 200'

MAP - NE 7-A

NE 8-A

Ref Ex #2

IN RE: PETITIONS FOR SPECIAL HEARING \* BEFORE THE  
AND ZONING VARIANCE - W/S York \*  
Rd., 542' N of c/l Schwartz Ave. \* DEPUTY ZONING COMMISSIONER  
(6400 York Road) \*  
9th Election District \* OF BALTIMORE COUNTY  
4th Councilmanic District \*  
Scripps Howard Broadcasting Co. \* Case No. 92-420-SPHA  
Petitioner \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing in which the Petitioner requests approval of an amendment to the special exception and site plan previously granted in Case No. 84-268-XSPH to permit the construction of one (1) additional accessory satellite receiving dish and to permit an accessory satellite dish field in the rear/side yard; and a Petition for Zoning Variance requesting relief from Section 429.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory satellite receiving dish to be located in the front yard in lieu of the required rear yard and to permit a dish of 16.5 feet in diameter in lieu of the maximum permitted 10 feet, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Scripps Howard Broadcasting Company, by Joseph M. Bruno, Owner, appeared, testified and was represented by Stephen J. Nolan, Esquire. Also appearing on behalf of the Petition were Arnold J. Kleiner, Vice President, WMAR TV; Harry R. Kakel, Jr., William F. Kirwin, Engineer; William G. Ulrich, Registered Land Surveyor; and Jean K. Duvall and Stephany W. S. Harper, residents of the area. There were no Protestants.

It should be noted that the Petitioner's Counsel, Stephen J. Nolan, Esquire, amended the Petition for Special Hearing to add that the proposed addition of a satellite dish and dish field would be for "receiv-

NOT RECORDED

er dishes", only. The amended Petition for Special Hearing was accepted and incorporated into the case file.

Testimony indicated that the subject property, known as 6400 York Road, consists of 3.92 acres, more or less, zoned D.R. 5.5 and is the site of the WMAR TV Channel 2 television and radio station. Said property was the subject matter of previous Case No. 5277-X in which the Petitioner was granted permission to use the property for a radio station, television studio and a wireless transmitting and receiving structure, subject to restrictions, on May 31, 1961. Subsequently, in Case No. 82-254-XSPH, the Petitioner was granted a special exception and special hearing to construct a satellite receiving antenna and to extend the boundaries of the existing studio to include additional parking, subject to restrictions, on June 3, 1982. Then in Case No. 84-268-SPH the Petitioner was granted permission to construct two additional satellite receiving antennae, subject to restrictions, on April 13, 1984. The Petitioners now wish to add one additional accessory satellite receiving dish and request approval to permit an accessory satellite dish field to be located in the rear/side yard for receiver dishes, only. The requested variances are necessary due to the size of the additional satellite dish, its proposed location in the front yard, and the proposed site for the satellite dish field in both the side and rear yards as depicted on Petitioner's Exhibit 1.

The cumulative testimony of all the witnesses was that WMAR TV has existed on the subject property for many years. The Petitioner, being in the television broadcast business, is desirous of placing an additional five meter (receive only) satellite dish in front of the existing building on York Road as depicted on Petitioner's Exhibit 1, a site plan of the property. The proposed satellite dish will be located adjacent to an

existing, larger antenna. Testimony indicated that the proposed location in the front yard is the only suitable site for the dish due to existing and surrounding uses on the property. William F. Kirwin testified that the existing satellite dish, which is also located in the front yard, is properly screened by trees and shrubs. He testified that additional landscaping will be placed in the front yard to provide even further screening of both the existing and proposed satellite dishes. Said landscaping will be sufficient to properly screen both dishes from the view of passing motorists and adjacent neighbors.

The Petitioner is also desirous of installing a satellite dish field in the rear/side yard of the subject property as depicted on Petitioner's Exhibit 1. Although the Petitioner does not intend to immediately situate satellite dishes in the proposed field, this area would be reserved for future satellite receiving antennae and would allow the Petitioner to erect a satellite dish without the need for a future hearing. Mr. Kirwin testified that landscaping would be added in the rear yard to mitigate any effects that may be caused by the proposed satellite dish field. Mr. Kirwin agreed to work with Avery Harden, the Baltimore County Landscape Planner, to develop the best possible landscaping for this site.

The cumulative testimony presented by the two neighborhood residents who appeared was that WMAR TV has been a very considerate and gracious neighbor. They indicated that the property has always been neat and clean and beautifully landscaped. In addition, they testified that the Petitioner has always been receptive to any concerns and problems raised by their neighbors.

The cumulative testimony presented by the expert witnesses who appeared and testified on behalf of the Petitioner was that the proposed

additions to the subject site satisfy and comply with the requirements of Section 307.1 of the B.C.Z.R. which deals with the granting of variances and Section 502.1 of the B.C.Z.R. which deals with special exceptions and special hearings to amend previously granted special exceptions.

Various comments were submitted by Baltimore County agencies. The Office of Planning recommended approval of the Petitioner's request, but required that the Petitioner submit a landscape plan for their review and approval. The Office of Planning also suggested berming in conjunction with the landscaping. However, after full discussion of this matter at the hearing, it was determined that placing a berm on the property would not be beneficial to this site. It was agreed that the Petitioner would not be required to place any berming on the property.

Comments were also submitted by the Bureau of Traffic Engineering. That Bureau recommended making the northern access driveway to the subject site a one-way access, in-bound. This comment was discussed in detail at the hearing, and again, it was decided it would not be feasible or workable in this case. Therefore, the existing traffic pattern and flow on the subject property is sufficient to satisfy any traffic generated by WMAR TV.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variances requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of June, 1992 that the Petition for Special Hearing requesting approval of an amendment to the special exception and site plan previously granted in Case No. 84-268-XSPH to permit the construction of one (1) additional accessory satellite receiving dish and to permit an accessory satellite dish field in the rear/side yard, for receiver dishes, only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED subject to the restrictions set forth hereinafter; and,


IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from Section 429.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory satellite receiving dish to be located in the front yard in lieu of the required rear yard and to permit a dish of 16.5 feet in diameter in lieu of the maximum permitted 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) All satellite dishes intalled on the subject property shall be "receiving dishes", only, and shall not constitute "sending" units. This restriction may only be modified by way of a future public hearing.
- 3) Within thirty (30) days of the date of this Order the Petitioner shall submit a landscape plan for approval by the Deputy Director of Planning and the

Landscape Planner for Baltimore County. In addition to the landscaping required by the Office of Planning, the Petitioner shall also continue the existing row of white pines located along the rear westernmost property line of the subject site. All landscaping shall be completed within one (1) year of the date of this Order.

4) The flood lights mounted on the Petitioner's building shall be directed in a downward manner to mitigate the spillage of light onto nearby residences.

5) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

TECHNICAL INFORMATION FOR 3.6 METER  
FIXED KU-BAND EARTH STATION

*Ret Ex #5-*

(1) Applicant's Name:

Scripps Howard Broadcasting Company  
312 Walnut Street  
Cincinnati, OH 45202

(2) Site Location:

39°22'25" N  
76°36'43" W

WMAR-TV  
6400 York Road  
Baltimore, MD 21212

(3) Type of Domestic Service:

- (a) Class of Station: Fixed Earth Station
- (b) Regulatory Class: Private
- (c) Type of Facility: Transmit-Receive

(4) Frequency Bands:

- (a) Receive: 11.7-12.2 GHz
- (b) Transmit: 14.0-14.5GHz

(5) Points of Communication:

All Ku-band satellites available for domestic applications

(6) Frequency Coordination Limits:

- (a) Range of Satellite Arc
  - (1) Eastern Limit: 60° W.
  - (2) Western Limit: 135° W.
- (b) Earth Station Elevation at:
  - (1) Eastern Limit of Arc: 11.7°
  - (2) Western Limit of Arc: 41.3°

- (c) Earth Station Azimuth at:
  - (1) Eastern Limit of Arc: 154.90
  - (2) Western Limit of Arc: 252.40
- (d) Maximum E.I.R.P. density toward the horizon:  
-5.9 dBW/4 KHz
- (7) Transmitting Equipment:
  - (a) Number of HPAs: 1
  - (b) Manufacturer and Model No.: Xicom Model BFA-80K-LPU
  - (c) Maximum Power Output (watts): 18.6 dBW (75 watts)
- (8) Antenna Facilities:

The antenna conforms to Section 25.209 of the Commission's Rules (29-25 log 0).

  - (a) Use of Antenna: Communications
  - (b) Antenna Size: 11.8 feet (3.6 meters)
  - (c) Type of Feed: Prime Focus
  - (d) Manufacturer and Model No.: Andrew Corp/ES36MPJK
  - (e) Antenna gain in dBi and the frequency at which it is measured for:
    - (1) Transmit: 52.0 dBi at 14.250 GHz
    - (2) Receive: 50.7 dBi at 11.950 GHz
  - (f) Elevation of antenna base above ground: 9 inches  
Slab foundation in ground.
  - (g) The antenna will be mounted on a king post mount with maximum height of 9 feet, 5 inches (2.9 meters) above the ground.
  - (h) The antenna rises to a maximum height of 14 feet, 9 inches (4.5 meters) above the base on which it is mounted.

- (i) 3dB full beamwidth and frequency at which it was measured:

0.390 @ 14.25 GHz

0.460 @ 11.95 GHz

- (9) Remote Control operations? No.

- (10) Receiving System Noise Temperature:

1200 Kelvin @ 300 elevation across entire 11.7 - 12.2 GHz receive band.

- (11) Specifics of operation (transmitting mode):

- (a) Frequency Limits: 14.0-14.5 GHz

- (b) Earth Station Antenna Polarization: Linear Orthogonal

- (c) Description of each R.F. carrier:

The main R.F. carrier will be a wideband 36 MHz carrier for video transmissions with an emission designator of 36MOF3F01. Modulation will be FM.

- (d) Maximum E.I.R.P. for each R.F. carrier:

70.6 dBW (video)

- (e) Maximum E.I.R.P. Density for each R.F. carrier:

43.6 dBW/4 KHz (video)

## RADIATION HAZARD STUDY

## WMAR-TV SITE BALTIMORE MD

The radiation environment in and around the proposed earth station has been evaluated and found to be safe for continuous exposure of operating personal, should operating personal need to enter the fenced enclosure. The earth station will be surrounded by an eight foot fence which will have a locked gate. The general public will not have access to the fenced-in area.

Only the internal antenna structure, specifically the area between the feedhorn and the dish, shows a radio frequency environment that is considered excessive for continuous exposure of personnel. This area is sufficiently high above ground level that it cannot accidentally be entered without the aid of mechanical equipment.

The supporting calculations that are submitted as part of this study show that the proposed earth station is environmentally safe, not only based on the criteria published in the Occupational Safety and Health Act (OSHA), but also in the light of recent recommendations for stricter control of radio frequency radiation.

## 1.0 Station Parameters

Antenna Diameter (D) = 3.6 M  
 Operating Wavelength ( $\tau$ ) = .021 M  
 Antenna Gain (G) = 52.0 dBi  
 Transmitter RF Power (P) = 75.0 W

## 2.0 Summary of Results

RF Power Density - Centerline of Near Field = 2.950 mw/cm<sup>2</sup>  
 RF Power Density - Far Field = 0.690 mw/cm<sup>2</sup>  
 \*RF Power Density - Edge of Near Field = 0.029 mw/cm<sup>2</sup>  
 \*RF Power Density - Behind Antenna = 0.0015 mw/cm<sup>2</sup>

\* The density levels denoted by an asterisk are representative of the maximum radiation environment in or around the proposed earth station to which the general public may be exposed.

### 3.0 Near Field Evaluation

The earth station antenna that will be employed for this service is designed to focus nearly all of the radiated radio frequency energy into a cylindrical beam with a diameter only slightly larger than that of the antenna dish. Any intrusion into this beam would impair the performance of this earth station. This broadcaster has, therefore, selected a site location for the antenna that will insure that the beam of principle radio frequency radiation is clear of any obstructions, buildings, etc. and cannot accidentally be entered by the general public.

- 3.1 The near field cylindrical projection extends to a distance (d) that is defined by the following relationship:

$$d(nf) = D^2/4r$$

$$d(ff) = .6D^2/r$$

For the proposed antenna, the near field extends, therefore, to a distance of:

154.3 meters

And the far field extends, therefore, to a distance of:

370.3 meters

- 3.2 The maximum radio frequency power density within this near field cylinder is a function of the antenna diameter and transmitter power as follows:

$$W(NF) = 16P/\pi D^2$$

For the proposed earth station, the maximum power density in the near field was computed not to exceed:

2.95 mw/cm<sup>2</sup>

- 3.3 At the edge of the near field cylindrical beam, 0.7 antenna diameter removed from its center, the power density is attenuated at least 20 dB to 1/100th of the maximum near field power. The power along the outside edge of the beam will, therefore, not exceed:

0.029 mw/cm<sup>2</sup>

### 4.0 Far Field Evaluation

Beyond the near field region, the cylindrical beam begins to

spread gradually into a slightly tapered cone in accordance with the published radiation pattern for the proposed antenna. The specified antenna gain is realized and the radiated power density decreases proportionally to the inverse square of distance from the antenna.

- 4.1 For the purpose of determining the maximum power density within the far field, this broadcaster has conservatively assumed that the full antenna gain is already realized at the limit of the near field cylindrical region. The radio frequency power density in the far field region is given by:

$$W(FF) = PG/4\pi d^2$$

For the proposed earth station, the maximum radiated power at the point of transition between the near field and far field regions was computed not to exceed:

$$.690 \text{ mw/cm}^2$$

## 5.0 Off-Axis Evaluation

The proposed antenna meets or exceeds the performance specifications under part #25 of the FCC rules. The off-axis gain of this antenna is, therefore, - 10dBi or less in any direction more than 48° removed from the centerline of the main beam.

- 5.1 The off-axis power density may be conservatively evaluated using the far field method of computation:

$$W(OA) = 0.1P/4\pi d^2$$

Assuming a distance of 2 meters from the antenna, the density was calculated to be:

$$0.0015 \text{ mw/cm}^2$$

## 6.0 Summary

- 6.1 The computed values for near field projection distance, RF power density at the center line, RF power density in the far field, RF power density at the edge of the near field, and RF power density behind the antenna are furnished by the Engineering Department.
- 6.2 Radiation calculations verify that the actual levels do not exceed the OSHA maximum of 5 mw/cm<sup>2</sup>.

## TECHNICAL CERTIFICATION

I hereby certify that I am the technically qualified person responsible for preparation of the engineering information contained in this Application; that I am familiar with the applicable Rules of the Commission; that I have either prepared or reviewed the engineering information submitted in this application; and that it is complete and accurate to the best of my knowledge.

By: Warren Happel 216 431 3492

Name: Warren Happel  
12/12/95

Title: Vice President Engineering

Company: Scripps Howard Broadcasting Company

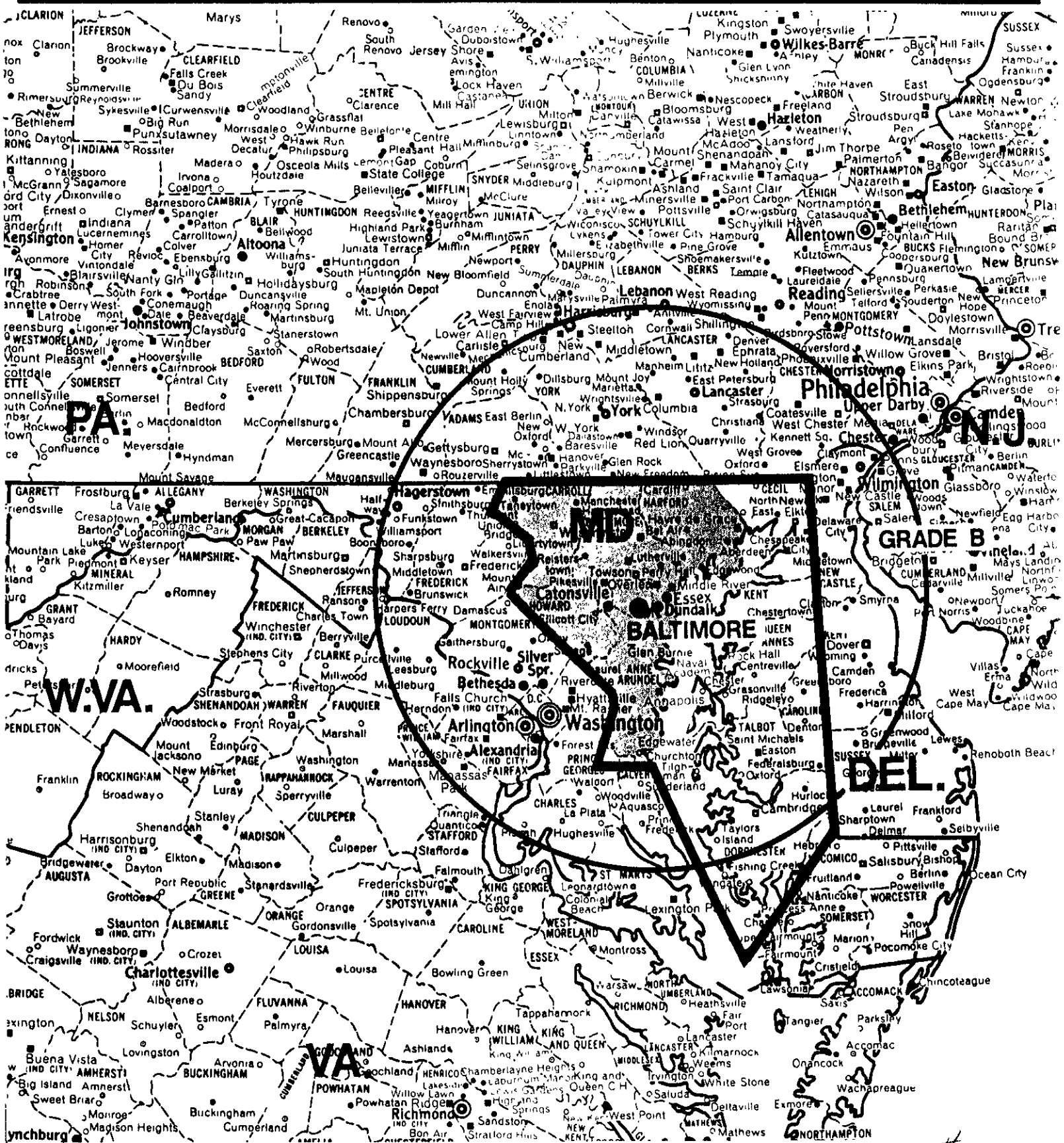
# COVERAGE MAP

Pet Ex #6

ADI

Metro Area

Total Survey Area



# 5

*Ret Ex #7*

REQUESTS OF  
THE RODGERS FORGE COMMUNITY, INC.  
and  
THE SCHWARTZ AVENUE NEIGHBORHOOD GROUP  
CONCERNING TRANSMIT EQUIPMENT  
IN REAR OF 6400 YORK ROAD

Prior to the operation of transmit equipment, the Petitioner shall:

A. Install a security alarm or motion detector on the fence of the rear dish field that will alert studio personnel concerning <sup>un</sup>authorized access within that area;

B. Petitioner shall also install barbed wire or additional security wire atop the existing chain link fence;

C. Post all four sides of the existing fence with appropriate no trespassing or caution signs, which signs shall be affixed to the fence;

D. Post a no trespassing or caution sign in the ground in front of the subject fence<sup>1</sup>; and

E. Adopt a procedure that will require a station engineer or technician to continuously monitor from within the studio building dish alignment during signal transmission to a satellite.

2. Within one hundred twenty (120) days from the date this zoning order becomes final, the Petitioner shall install the additional landscaping in the front yard of the subject property as shown on Petitioner's Exhibit 1.

---

<sup>1</sup> Requested by Schwartz Avenue Neighborhood Group.

*A → E shall be done within 45 days*



A. SUSPECT DISH



CASE #96-261 SPH  
(ITEM 260)

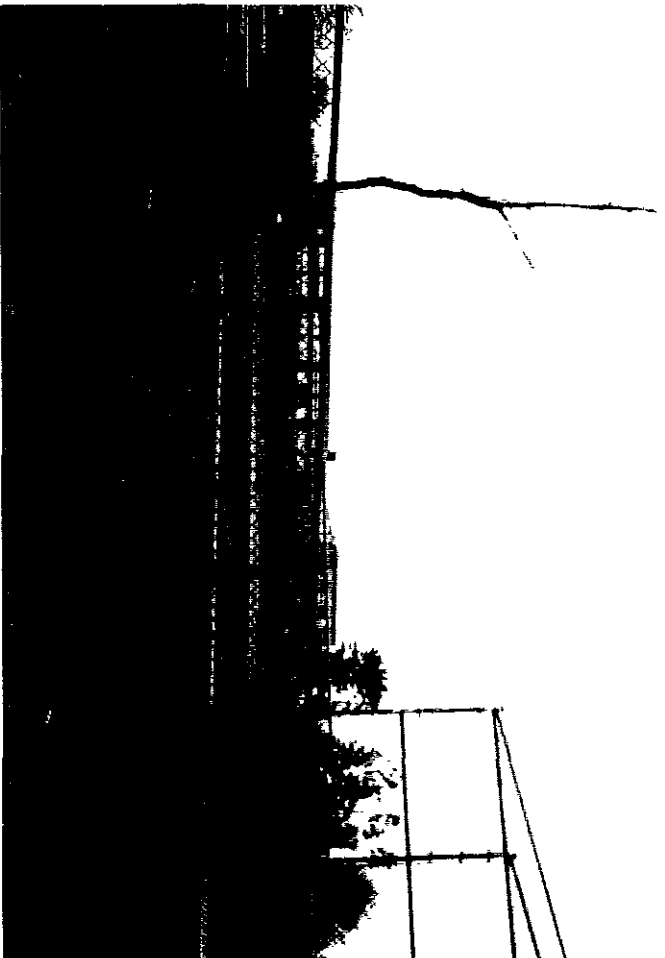


C. EXISTING DISHES WITHIN FENCED AREA

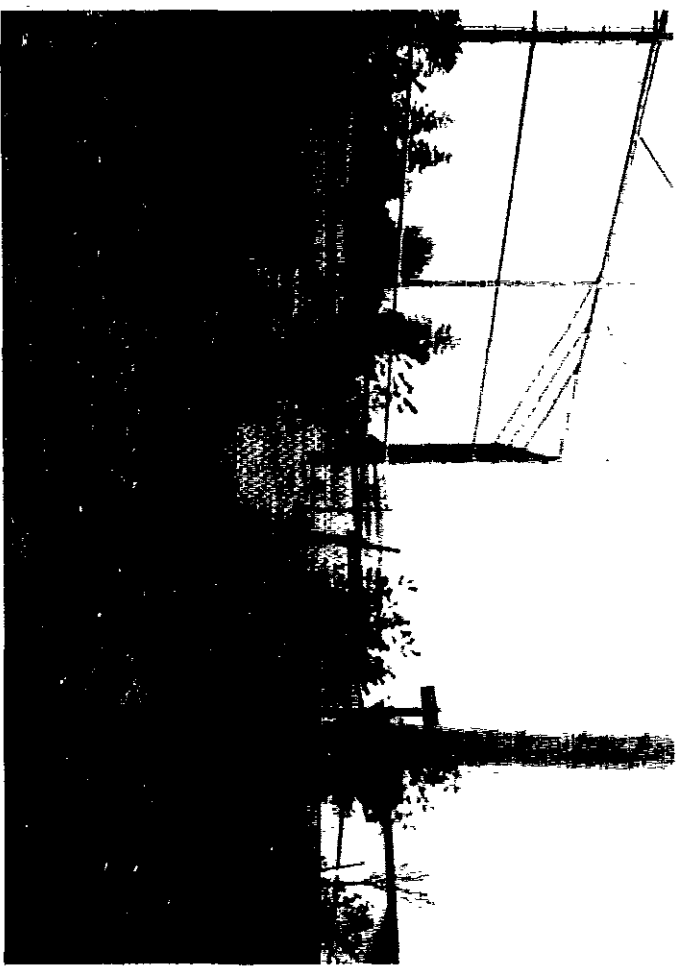
B. VIEW OF SUSPECT  
DISH - REAR OF  
6400 YORK ROAD

UT #3  
of 20

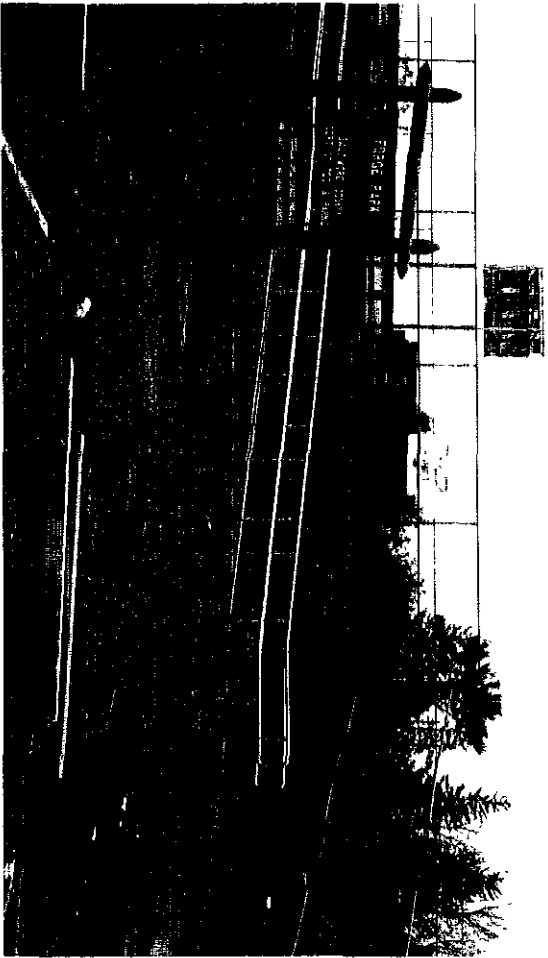




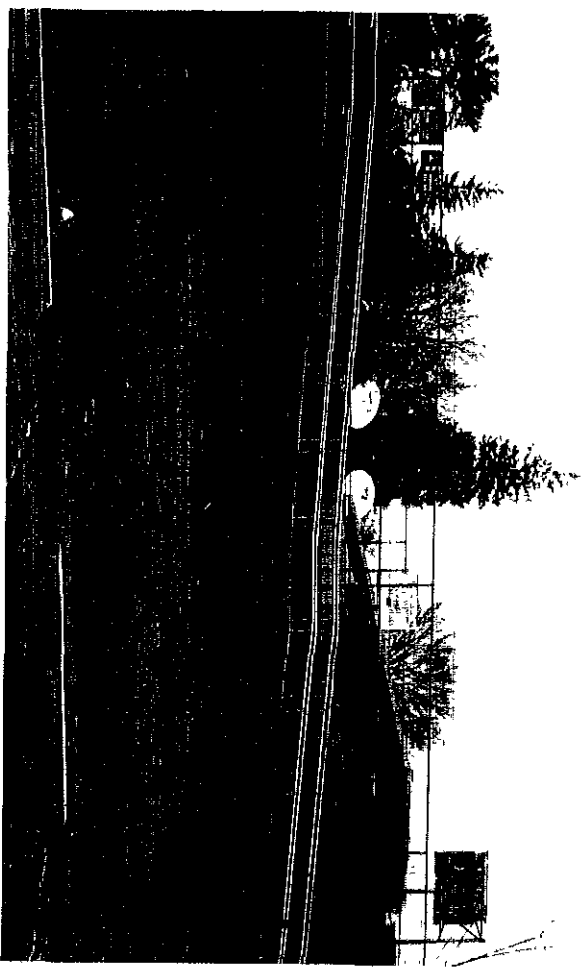
D. VIEW OF ST. PUX X SCHOOL FROM  
SCHWARTZ AVENUE



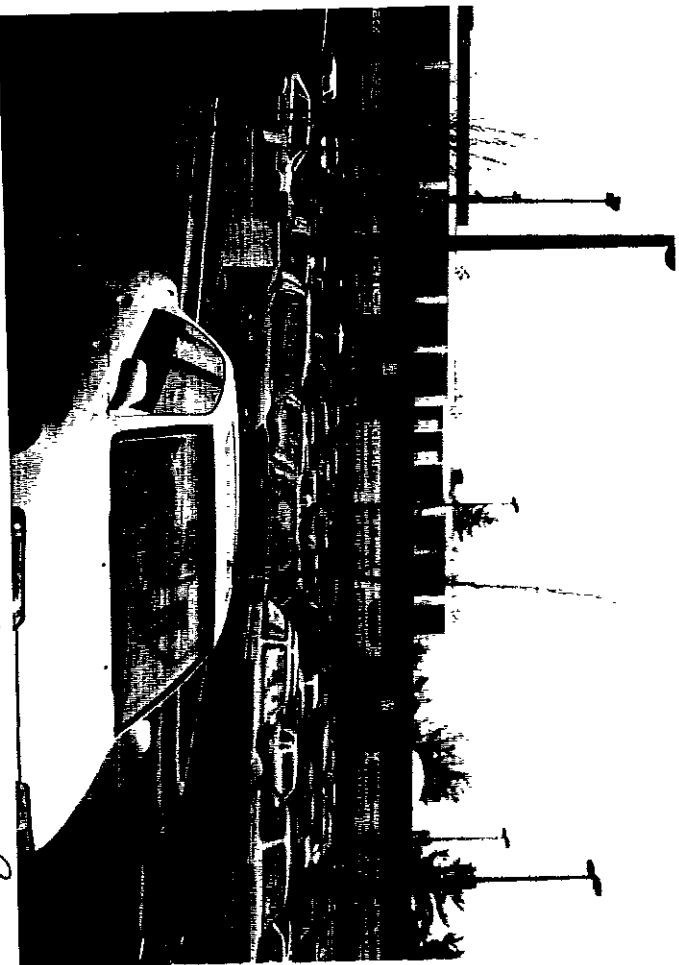
E. FORGE PARK AND CHANNEL 2 IN BACKGROUND



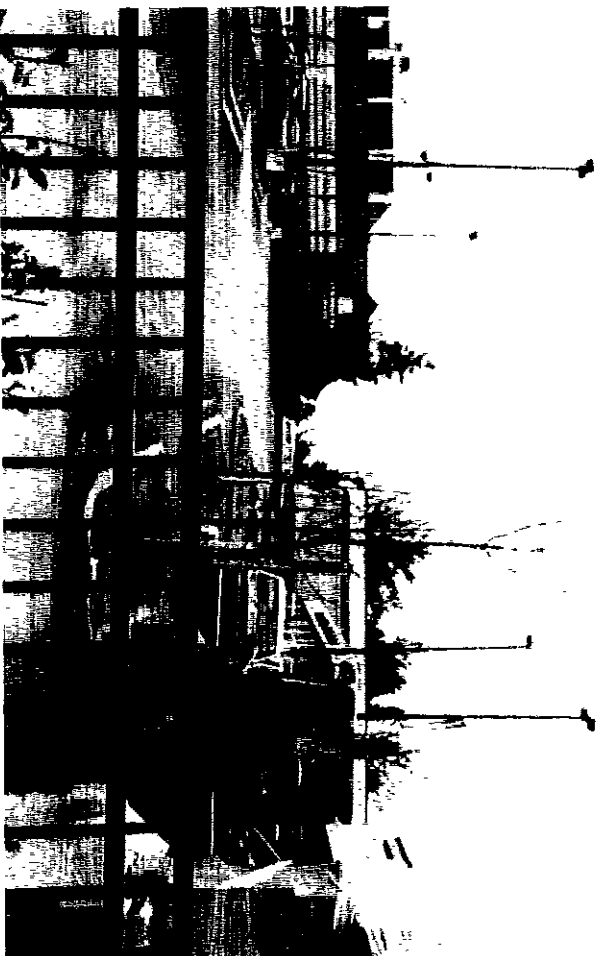
F. VIEW OF PARK FROM SCHWARTZ AVE.



G. TWO U-MAR-TV DISHES



H. NEWLY RENOVATED YORK ROAD PLAZA

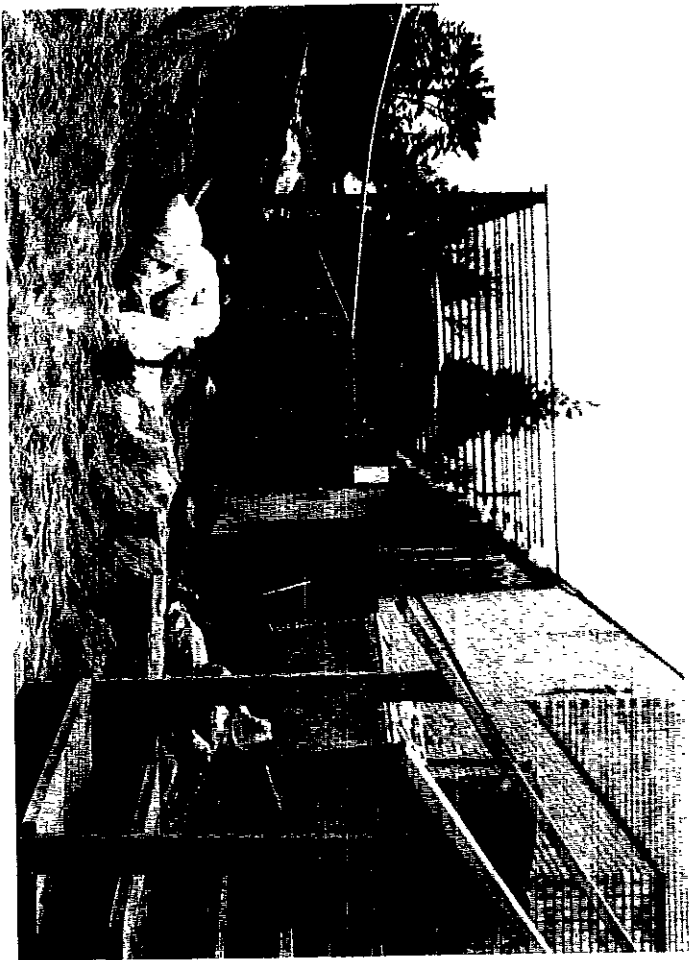


I. WMA-TV DISH IN FRONT YARD



J. GIANT FOOD & STUDIO BLDG.

CASE # 261 5TH  
ITEM  
260



K. View From Schwartz Ave  
Toward Subject Site



L. Schwartz Ave Residence  
With Rooftop  
Antenna Dish

(A-100-1-100)

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
W/S York Road, 542.27' N of \* DEPUTY ZONING COMMISSIONER  
Schwartz Avenue \* OF BALTIMORE COUNTY  
(6400 York Road) \* Case No. 96-261-SPH  
9th Election District  
4th Councilmanic District  
Scripps Howard Broadcasting Co.  
Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 6400 York Road, located in the vicinity of Schwartz and Walker Avenues, near the Baltimore City/Baltimore County line. The Petition was filed by the owner of the property, Scripps Howard Broadcasting Company, by H. Joseph Lewin, General Manager, through their attorney, Stephen J. Nolan, Esquire. The Petitioner seeks approval of an amendment to the special exception and site plan granted in prior Case No. 84-268-SPH, and the modification of Restriction No. 2 of the Order issued June 18, 1992 in prior Case No. 92-420-SPHA to permit the addition of transmitting equipment to an existing satellite dish located in the side/rear yard of the subject property. The property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were H. Joseph Lewin, General Manager, WMAR TV and the Scripps Howard Broadcasting Company property owner, William F. Kirwin, Jr., Registered Landscape Architect, who prepared the site plan for this project, Joseph Bruno, Director of Engineering for WMAR TV, and Stephen J. Nolan, Esquire, attorney for the Petitioner. Appearing as an interested citizen in the matter was Jean K. Duvall, a nearby resident of the Rodgers Forge Community.

Testimony and evidence offered revealed that the subject property consists of approximately 4.1 acres total, more or less, split zoned D.R. 5.5 and B.L.-C.C.C., and is located on the west side of York Road, just north of the York Road Plaza. The property is the home of WMAR TV in Baltimore and is improved with a two-story stone building and numerous satellite receiving dishes which are utilized by WMAR TV in furtherance of their broadcasting and production of television programs. The Petitioner comes before me at this time seeking amendments to the previously approved site plan and special exception granted in Case No. 84-268-SPH to permit the addition of transmitting equipment to one of the satellite dishes located to the rear of the subject site, as more particularly shown on Petitioner's Exhibit 1. The equipment itself consists of a small white box which will be added to the existing antenna and will not look any different than the existing antenna. Mr. Lewin testified that in order to be competitive with other television stations, WMAR deems it necessary to have transmitting equipment so that they may send news stories from their station out to other stations around the nation.

As noted above, Ms. Jean Duvall, a nearby resident of the area, appeared as an interested citizen. Ms. Duvall testified that WMAR TV has provided her with information concerning this transmitting equipment and that she had her own experts review and interpret the data and statistics contained therein. Ms. Duvall stated that she is fully satisfied that she and her neighbors will have no problems with the addition of this transmitting equipment, so long as certain safety measures are undertaken to ensure that no one is permitted to tamper with or vandalize this equipment.

Mr. Nolan introduced as Petitioner's Exhibit 7 an agreement which had been reached between WMAR TV and the residents of the Rodgers Forge

Community and the Schwartz Avenue Community regarding the installation of this transmitting equipment. That agreement shall be appended to this Order, and enforceable as if a part of this decision. Furthermore, the parties agree that the time frame within which the provisions of Paragraphs A through E of Petitioner's Exhibit 7 shall be performed within forty-five (45) days of the date of this Order.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20<sup>th</sup> day of March, 1996 that the Petition for Special Hearing to approve an amendment to the previously approved special exception and site plan in prior Case No. 84-268-SPH, and the modification of Restriction No. 2 of the Order issued June 18, 1992 in prior Case No. 92-420-SPHA to permit the addition of transmitting equipment to an existing satellite dish located in the side/rear yard of the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the

30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Compliance with the provisions and conditions set forth in Petitioner's Exhibit 7, the agreement between the Rodgers Forge Community and the Schwartz Avenue Neighborhood Group, a copy of which has been attached hereto and made a part hereof.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 3/20/96  
By [Signature]

ORDER RECEIVED FOR FILING

Date 3/20/96  
By [Signature]

ORDER RECEIVED FOR FILING

Date 3/20/96  
By [Signature]

ORDER RECEIVED FOR FILING

Date 3/20/96  
By [Signature]

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

March 20, 1996

(410) 887-4386

Stephen J. Nolan, Esquire  
210 W. Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
W/S York Road, 542.27' N of Schwartz Avenue  
(6400 York Road)  
9th Election District - 4th Councilmanic District  
Scripps Howard Broadcasting Co. - Petitioner  
Case No. 96-261-SPH

Dear Mr. Nolan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. H. Joseph Lewin, General Manager, WMAR TV  
6400 York Road, Baltimore, Md. 21212

Mr. Joseph M. Bruno, 11 Glen Lyon Court, Phoenix, Md. 21131  
Mr. William F. Kirwin, 28 E. Susquehanna Avenue, Towson, Md. 21204  
Ms. Jean K. Duvall, 227 Mardock Road, Baltimore, Md. 21212

People's Counsel

Case File



## Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 6400 York Road  
which is presently zoned D.R. 5.5 and B.L.-C.C.C.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment to the special exception and site plan previously granted in Case No. 84-268-SPH and the modification of Restriction No. 2 in the June 18, 1992 Order in Case No. 92-420-SPHA to permit the addition of transmit equipment to one (1) existing satellite dish in the rear/side yard.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s) SCRIPPS HOWARD BROADCASTING CO.  
By: H. Joseph Lewin  
General Manager

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Stephen J. Nolan

(Type or Print Name)

Signature

Address

City State Zipcode

Address

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

6400 York Road 372-2300

Baltimore MD 21212

City State Zipcode

Name

6400 York Road 372-2602

Address

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

ZONING DESCRIPTION  
SUBJECT SITE  
WMAR TV  
PARCEL NO. 1

96-261-SPH

BEGINNING for the same on the West side of York Road 66 feet wide at point in the 6th line of the land which by Deed dated May 10, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2693, folio 236, at the distance of 542.27 feet measured along said 6th line from the beginning thereof, and running thence and binding on the West side of York Road and referring the courses of this description to the Baltimore County Metropolitan District Grid Meridian, North 1 degree 10 Minutes 20 Seconds East 260.00 feet to a point in line with the Southernmost side of a paved driveway leading Westerly from York Road, thence leaving the West side of York Road and binding for most of the distance along the Southernmost side of said driveway, together with the right to use the same in common with others entitled thereto, North 69 Degrees 52 Minutes 54 Seconds West in all 500.00 feet to a point in said driveway 5 feet more or less from the Southernmost side of said driveway, thence South 20 Degrees 07 Minutes 18 Seconds West 262.98 feet and South 71 Degrees 33 Minutes 14 Seconds East 584.68 feet to the place of beginning.

CONTAINING 3.1756 acres more or less.

PARCEL NO. 2

BEGINNING for the same at the end of the third line of a parcel of land which by Deed dated November 15, 1961 and recorded among the Land Records of Baltimore County in Liber W.J.R. 3922, folio 296, and recorded among the Land Records of Baltimore County in Liber R.R.G. 4678, folio 270, North 20 Degrees 07 Minutes 18 Seconds East 256.28 feet, thence binding the second parcel of said second aforementioned deed the three following lines, viz: by a line curving to the left having a radius of 225.00 feet for the distance of 71.46 feet, said arc being subtended by a chord bearing South 85 Degrees 56 Minutes 43 Seconds West 71.16 feet, thence by a curve to the right having a radius of 400.00 feet for the distance of 42.90 feet, said arc being subtended by a chord bearing South 79 Degrees 55 Minutes 08 Seconds West 42.88 feet, thence by a curve to the right having a radius of 90.00 feet for the distance of 50.14 feet, said arc being subtended by a chord bearing North 80 Degrees 23 Minutes 01 Seconds West 49.49 feet, thence running for lines of division now made, South 16 Degrees 48 Minutes 58 Seconds West 200.94 feet and South 71 Degrees 33 Minutes 14 Seconds East 139.11 feet, binding for a part on all of the fourth line to the place of beginning.

CONTAINING 0.7492 of an acre of land, more or less.

Total acreage for Parcel 1 and Parcel 2 is 4.0248 acres.

WILLIAM F. KIRWIN, INC.

Landscape Architecture  
Civil Planning  
Environmental Design

28 E. Susquehanna Avenue  
Towson, MD 21286-5218  
Phone: 410.337.0075  
Fax: 410.823.3827

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9 Date of Posting: 3/29/96  
Posted for: Special Hearing  
Petitioner: Scripps Howard Broadcasting Co.  
Location of property: 6400 York Road  
Location of Sign: Corner of York Rd. Entrance Driveway  
Remarks: [Signature]  
Posted by: [Signature] Date of return: [Signature]  
Number of Signs: 1

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/25, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/25, 1996.

THE JEFFERSONIAN,

*A. Henricson*  
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 3/25/96 ACCOUNT: 96-261-SPH  
AMOUNT: \$ 285.00  
RECEIVED FROM: Nolan, Stephen J. & William F. Kirwin, Inc.  
FOR: SPH 6400 York Rd

RECEIVED FROM: [Signature]

FOR: SPH 6400 York Rd

FOR: SPH 6400 York Rd

FOR: SPH 6400 York Rd

FOR: SPH 6400 York Rd

FOR: SPH 6400 York Rd

FOR: SPH 6400 York Rd

FOR: SPH 6400 York Rd

TO: PUTNUT PUBLISHING COMPANY  
January 25, 1996 Issue - Jeffersonian

Please forward billing to:

Stephen J. Nolan, Esq.  
210 W. Pennsylvania Avenue #700  
Towson, MD 21204  
823-7800

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-261-SPH (Item 260)  
6400 York Road  
W/S York Road, 542.27' N of Schwartz Avenue  
9th Election District - 4th Councilmanic  
Legal Owner: Scripps Howard Broadcasting Company

Special Hearing to approve an amendment to the special exception and site plan previously granted in case #84-268-SPH and the modification of restriction #2 in the 6/18/92 order in case #92-420-SPHA to permit the addition of transmit equipment to one existing satellited dish in the rear/side yard.

HEARING: WEDNESDAY, FEBRUARY 14, 1996 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHWIDY  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

January 19, 1996

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-261-SPH (Item 260)  
6400 York Road  
W/S York Road, 542.27' N of Schwartz Avenue  
9th Election District - 4th Councilmanic  
Legal Owner: Scripps Howard Broadcasting Company

Special Hearing to approve an amendment to the special exception and site plan previously granted in case #84-268-SPH and the modification of restriction #2 in the 6/18/92 order in case #92-420-SPHA to permit the addition of transmit equipment to one existing satellited dish in the rear/side yard.

HEARING: WEDNESDAY, FEBRUARY 14, 1996 at 9:00 a.m. in Room 106, County Office Building.

Arnold Jablon  
Director

cc: Scripps Howard Broadcasting Co./Joseph Bruno  
Stephen J. Nolan, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink  
on Recycled Paper



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

February 9, 1996

#### NOTICE OF REASSIGNMENT

Rescheduled from 2/14/96  
CASE NUMBER: 96-261-SPH (Item 260)  
6400 York Road  
W/S York Road, 542.27' N of Schwartz Avenue  
9th Election District - 4th Councilmanic  
Legal Owner: Scripps Howard Broadcasting Company

Special Hearing to approve an amendment to the special exception and site plan previously granted in case #84-268-SPH and the modification of restriction #2 in the 6/18/92 order in case #92-420-SPHA to permit the addition of transmit equipment to one existing satellited dish in the rear/side yard.

HEARING: FRIDAY, MARCH 1, 1996 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

ARNOLD JABLON  
DIRECTOR

cc: Scripps Howard Broadcasting, Co.  
Stephen J. Nolan, Esq.  
Jean K. Duvall  
Janice M. Moore

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on Recycled Paper



Baltimore County  
Department of Permits and  
Development Management

Permits and Licenses  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
(410) 887-3900  
Fax: (410) 887-2824

February 7, 1996

Stephen J. Nolan, Esquire  
210 W Pennsylvania Avenue  
Suite 700  
Towson, MD 21204

RE: Item No.: 260  
Case No.: 96-261-SPH  
Petitioner: Scripps Howard  
Broadcasting Co.

Dear Mr. Nolan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 4, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

Printed with Soybean Ink  
on Recycled Paper

#### BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Jan. 26, 1996  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review Division  
RE: Zoning Advisory Committee Meeting  
for January 22, 1996  
Item No. 260

The Development Plans Review Division has reviewed the subject zoning item. Past landscape requirements have been complied with. A landscape plan should be submitted that addresses the proposed buffering of the dish in front, that is visible from York Road.

RWB:sw

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 18, 1996  
Permits and Development  
Management  
FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 254, 255, 257, 258, 260, 263, and 264

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long

Division Chief: Cary L. Keene

PK/JL

ITEM 254/PZONE/ZAC1

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4830

DATE: 01/17/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 16, 1996.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

a. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 253, 254, 255, 256, 257, 258, 259, 260, 261, 263 AND 264.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink  
on Recycled Paper



Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 260 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD 45 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

Bob Small  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PP  
PETITION FOR SPECIAL HEARING  
6400 York Road, W/S York Road, 542.27'  
N of Schwartz Avenue, 9th Election  
District, 4th Councilmanic  
Scripps Howard Broadcasting Company  
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County  
*Charles S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to Stephen J. Nolan, Esquire, 210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

227 Murdock Road  
Baltimore, MD 21212  
H-377-4541  
FAX - (410) 377-5050

January 25, 1996

Ms. Gwen Stevens  
Zoning Office  
County Office Building  
Towson, MD 21204  
887-3391  
FAX - (410) 887-5708

RE: Petition for Special Hearing  
6400 York Road  
Scripps Howard  
Broadcasting Co.  
WMAR-TV

Dear Ms. Stevens,

We have just learned that the county has scheduled a hearing on the morning of February 14, 1996 for the above named property. Mr. Stephen Nolan, attorney for WMAR, has informed me that they have a conflict for the time scheduled, and will request a change. The same is true for Rodgers Forge.

Therefore, the Rodgers Forge Community Association formally requests that another date be set.

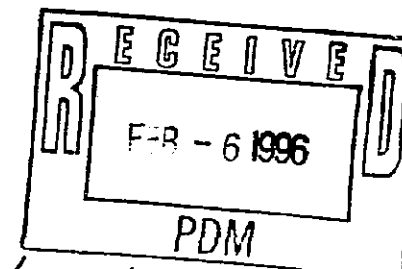
Please notify me when you reschedule.

Thank you for your consideration and time regarding this matter.

Yours truly,

*Jean K. Duvall*  
Jean K. Duvall  
RFCA - External Affairs

CC: Janice M. Moore  
138 Dumbarton Road  
Baltimore, MD 21212



*Screen up on FAX of 1/25/96  
of the above  
Shirley*

LAW OFFICES  
NOLAN, PLUMHOFF & WILLIAMS  
CHARTERED  
SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(410) 823-7800  
TELEFAX (410) 296-2765  
January 4, 1996

JAMES D. NOLAN  
(RETIRED 1990)  
J. EARLE PLUMHOFF  
(1980-1988)  
RALPH E. DEITZ  
(1918-1990)  
WRITER'S DIRECT DIAL  
923-7853

HAND DELIVERY

Arnold Jablon, Director  
Baltimore County Department of  
Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Scripps Howard Broadcasting Company  
d/b/a WMAR-TV Channel 2  
Petition for Special Hearing  
6400 York Road  
9th Election District  
4th Councilmanic District

Dear Mr. Jablon:

As local counsel to Scripps Howard Broadcasting Company, the owner of WMAR-TV Channel 2, I am hand delivering to your professional staff the following:

1. Three (3) original signed Petition for Special Hearing forms;
2. Twelve (12) site plans prepared by William F. Kirwin, Inc.;
3. One (1) 200 scale zoning map with the property delineated;
4. Five (5) copies of the Zoning Description of the subject property sealed by William F. Kirwin, Jr., R.L.A.; and
5. Our firm's escrow check in the amount of \$285.00 payable to "Baltimore County, Maryland" to cover the filing fee and sign fee.

260

PLEASE PRINT CLEARLY

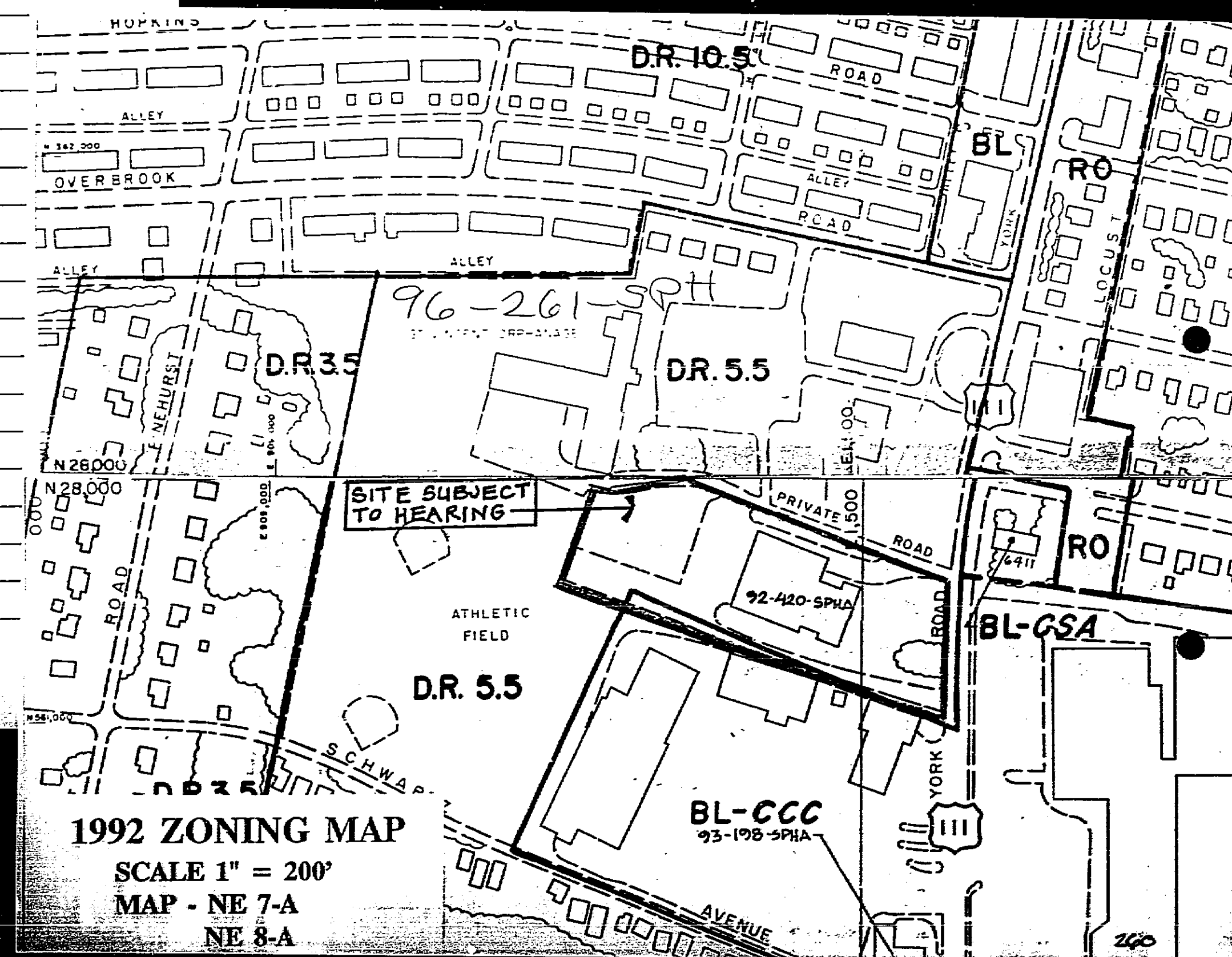
PETITIONER(S) SIGN-IN SHEET

NAME  
STEPHEN J. NOLAN  
DIL KIRWIN  
JOSEPH M. BRUNO  
H. JOSEPH LEWIN

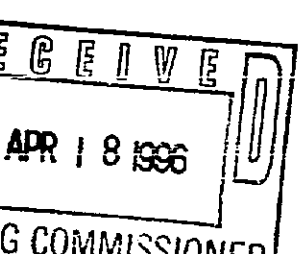
ADDRESS  
210 W. PENN. AVE.  
TOWSON, MD 21204  
485 SULLY AVE. TOWSON 21206  
11 GLEN YON CT. PHENIX, MD 21131  
105 GOODALE RD. BALTIMORE, MD 21212

*Sent copy to  
for*  
*James F. Plumhoff*  
(Participant)

*227 Murdock Rd. BALTIMORE, MD 21212*



LAW OFFICES  
NOLAN, PLUMHOFF & WILLIAMS  
CHARTERED  
SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(410) 823-7800  
TELEFAX (410) 296-2765  
April 16, 1996



The Honorable Timothy M. Ketrocco  
Deputy Zoning Commissioner  
for Baltimore County  
Suite 112 Courthouse  
400 Washington Avenue  
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING  
W/S York Road, 542.27' N of Schwartz Avenue  
(6400 York Road)  
9th Election District - 4th Councilmanic District  
Scripps Howard Broadcasting Co. - Petitioner  
Case No. 96-261-SPH

Dear Commission Ketrocco:

Thank you for your letter dated March 20, 1996, together with a copy of the decision rendered in the above-captioned matter.

Together with a copy of this letter I am mailing a copy of your decision to Ms. Roberta Carter, the community representative for the Schwartz Avenue Neighborhood Group.

Please make this letter a part of the zoning file so that it will be reflected that Ms. Roberta Carter met with representatives of the petitioner at WMAR prior to the zoning hearing. Ms. Carter asks that we place this letter in the zoning file so that interested persons will be made aware of the fact that she was the spokesperson for the Schwartz Avenue Neighborhood Group with whom we worked.

Thank you for your kind assistance.

Very truly yours,

*Stephen J. Nolan*  
Stephen J. Nolan

SJN/dlp  
cc: Mr. H. Joseph Lewin, General Manager, WMAR TV  
Mr. Joseph M. Bruno  
People's Counsel  
Ms. Roberta Carter  
(w/enclosures)

Arnold Jablon, Director  
January 4, 1996  
page two

We would greatly appreciate it if Ms. Stephens could set the hearing for the earliest possible date.  
Thank you for your kind assistance.

Very truly yours,

*Stephen J. Nolan*  
Stephen J. Nolan

SJN/mao

cc: Mr. H. Joseph Lewin  
General Manager, WMAR-TV (w/enclosure)  
Mr. Joseph M. Bruno  
Director of Engineering, WMAR-TV (w/enclosure)  
William F. Kirwin, Jr., R.L.A.

260

IN RE: PETITIONS FOR SPECIAL HEARING  
AND ZONING VARIANCE - W/S York  
Rd., 542' N of c/l Schwartz Ave.  
(6400 York Road)  
9th Election District  
4th Councilmanic District  
Scripps Howard Broadcasting Co.  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

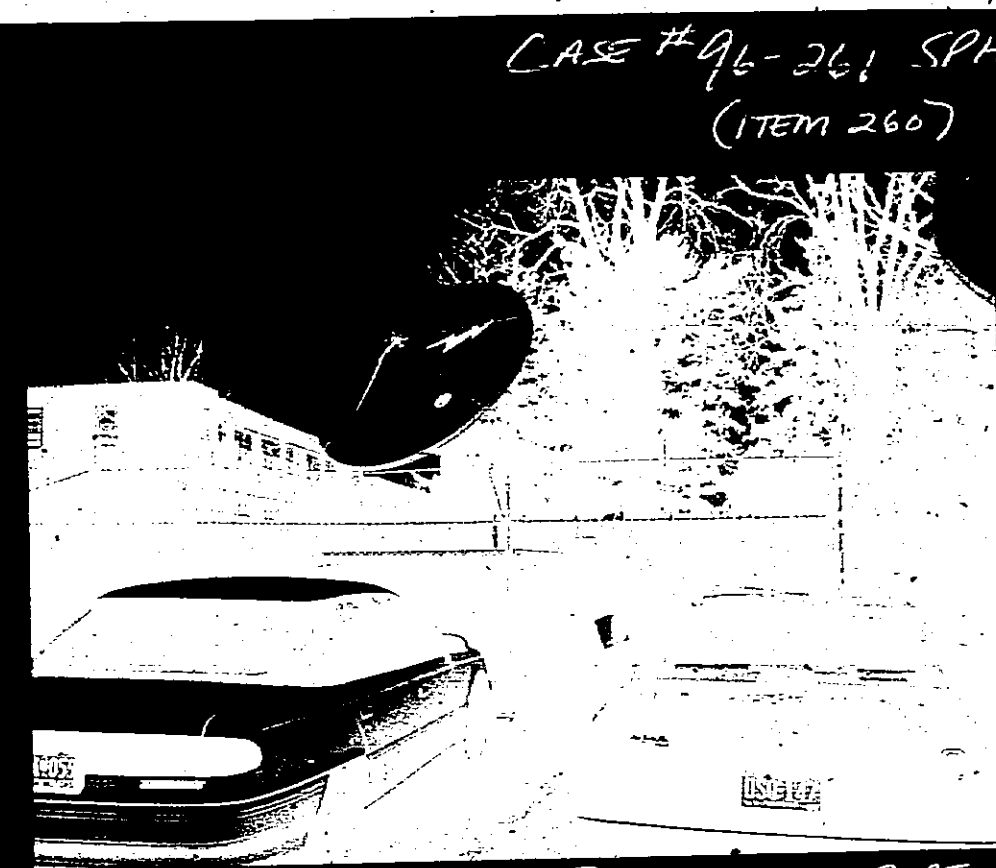
This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing in which the Petitioner requests approval of an amendment to the special exception and site plan previously granted in Case No. 84-268-XSPH to permit the construction of one (1) additional accessory satellite receiving dish and to permit an accessory satellite dish field in the rear/side yard; and a Petition for Zoning Variance requesting relief from Section 429.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory satellite receiving dish to be located in the front yard in lieu of the required rear yard and to permit a dish of 16.5 feet in diameter in lieu of the maximum permitted 10 feet, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Scripps Howard Broadcasting Company, by Joseph M. Bruno, Owner, appeared, testified and was represented by Stephen J. Nolan, Esquire. Also appearing on behalf of the Petition were Arnold J. Kleiner, Vice President, WMAR-TV; Harry R. Kachel, Jr., William F. Kirwin, Engineer; William G. Ulrich, Registered Land Surveyor; and Jean K. Duvall and Stephany W. S. Harper, residents of the area. There were no Protestants.

It should be noted that the Petitioner's Counsel, Stephen J. Nolan, Esquire, amended the Petition for Special Hearing to add that the proposed addition of a satellite dish and dish field would be for "receiv-



A. SUBJECT DISH

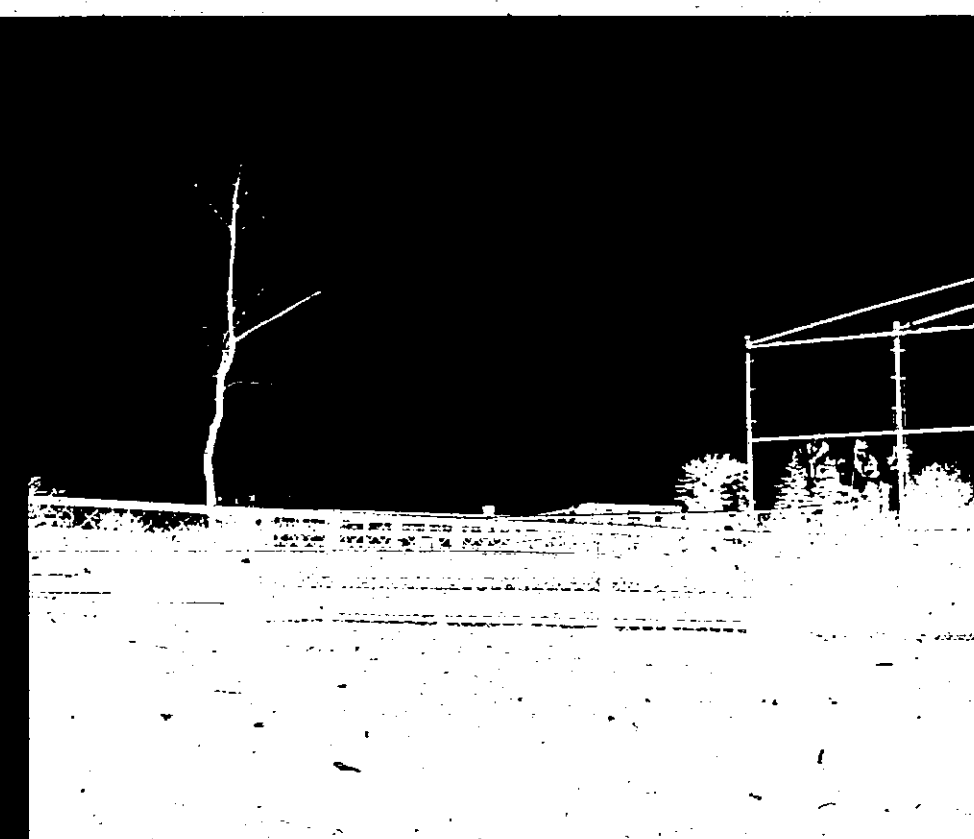


B. VIEW OF SUBJECT DISH - REAR OF 6400 YORK ROAD



C. EXISTING DISHES WITHIN FENCED AREA

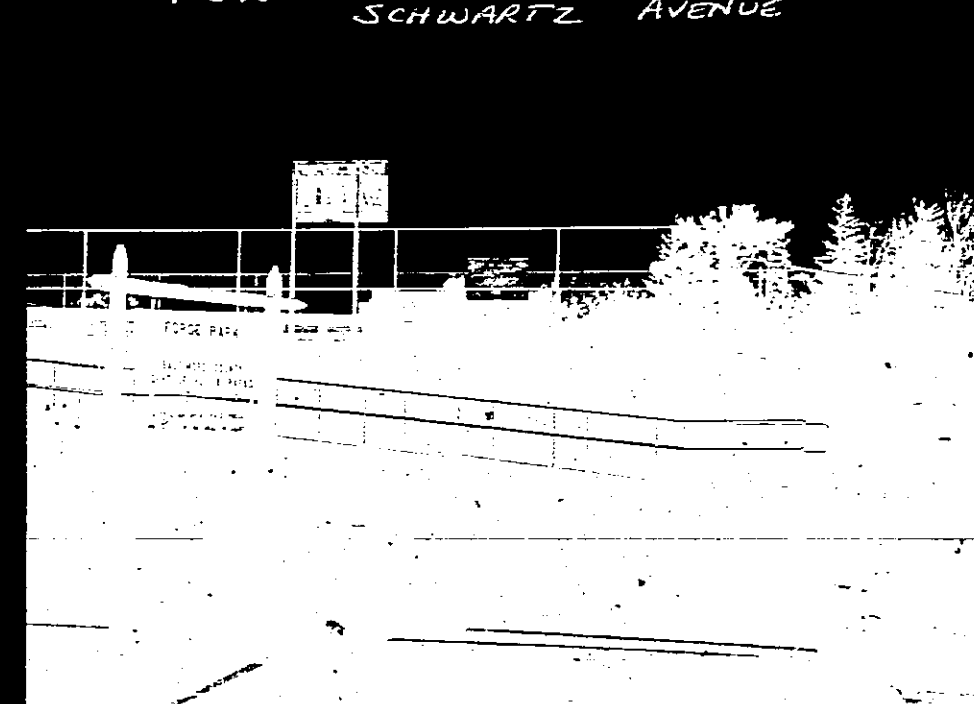
Pet Ex #3



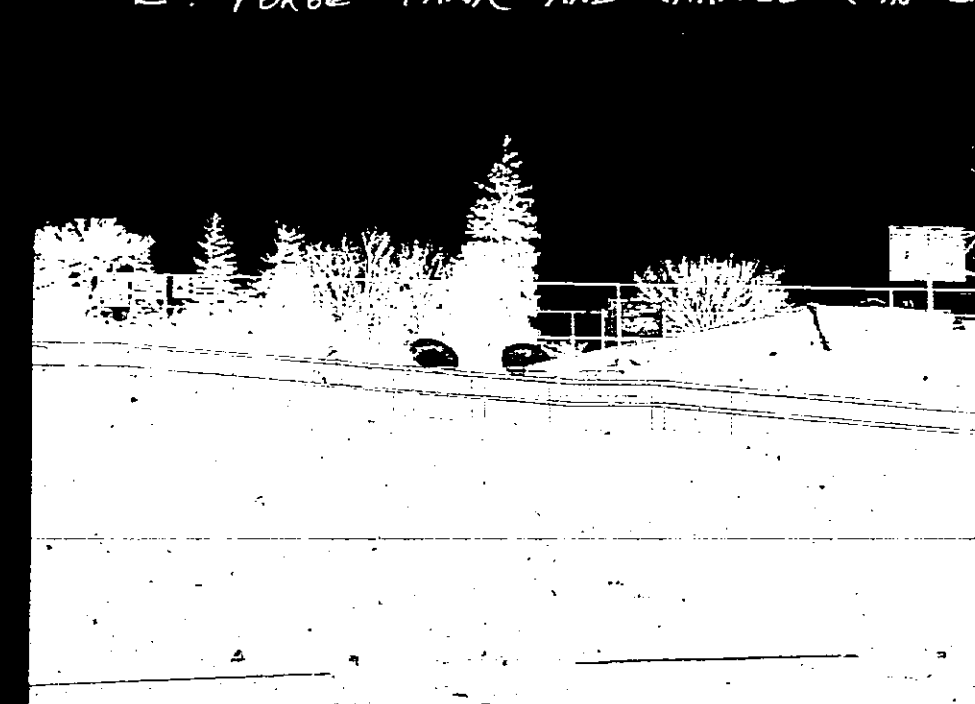
D. VIEW OF ST. PAUL'S SCHOOL FROM SCHWARTZ AVENUE



E. FORGE PARK AND CHANNEL 2 IN BACKGROUND



F. VIEW OF PARK FROM SCHWARTZ AVE.



G. TWO WMAR-TV DISHES



H. NEWLY RENOVATED YORK ROAD PARK



I. WMAR-TV DISH IN FRONT YARD



J. GIANT FOOD & STUDIO BLDG.



K. VIEW FROM SCHWARTZ AVE TOWARD SUBJECT SITE

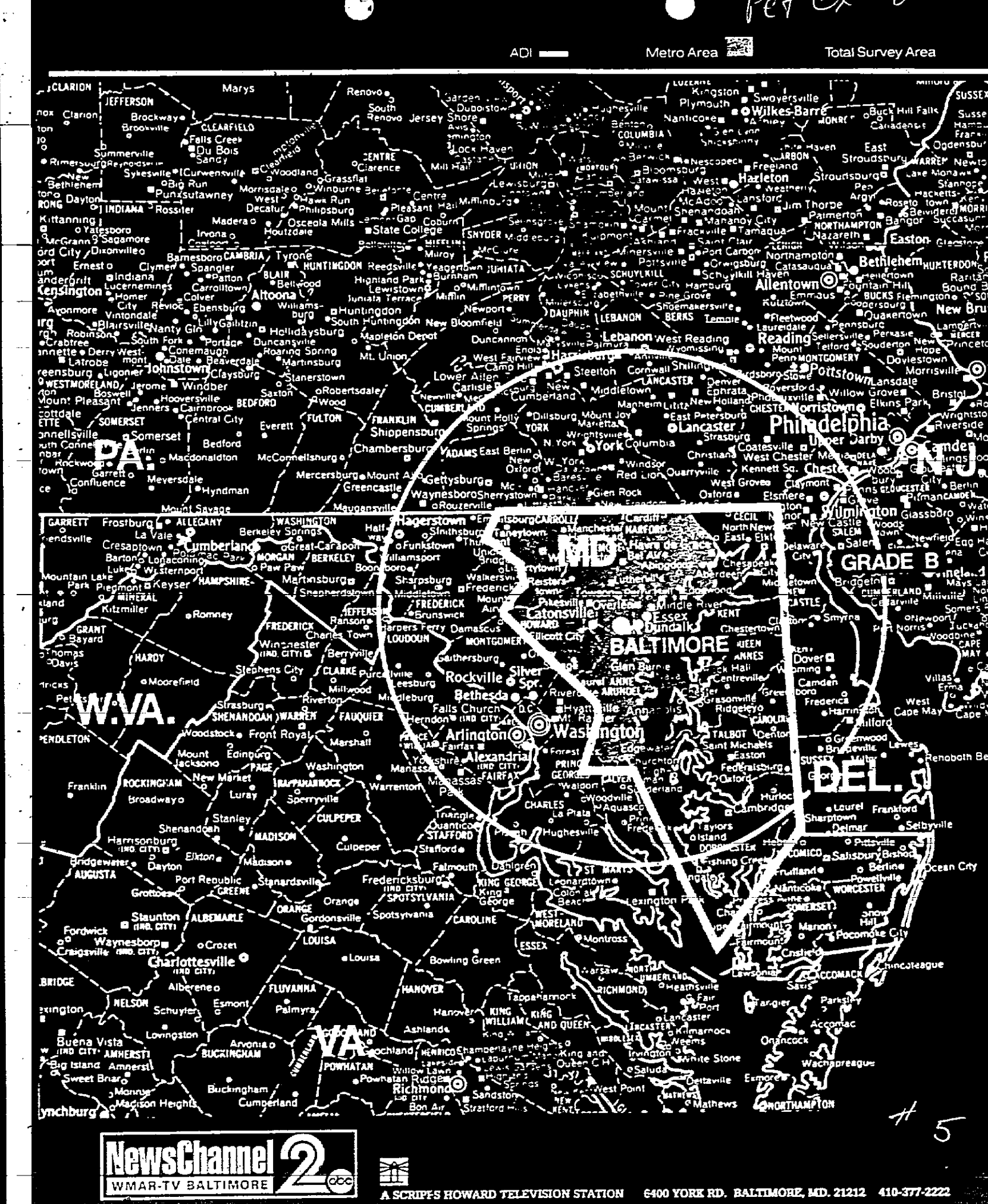


L. SCHWARTZ AVE. RESIDENCE WITH ROOFTOP ANTENNA DISH

TECHNICAL INFORMATION FOR 3.6 METER FIXED KU-BAND EARTH STATION

- (1) Applicant's Name:  
Scripps Howard Broadcasting Company  
312 Walnut Street  
Cincinnati, OH 45202
- (2) Site Location:  
39°22'25" N WMAR-TV  
76°36'43" W 6400 York Road  
Baltimore, MD 21212
- (3) Type of Domestic Service:
  - (a) Class of Station: Fixed Earth Station
  - (b) Regulatory Class: Private
  - (c) Type of Facility: Transmit-Receive
- (4) Frequency Bands:
  - (a) Receive: 11.7-12.2 GHz
  - (b) Transmit: 14.0-14.5 GHz
- (5) Points of Communication:  
All Ku-band satellites available for domestic applications
- (6) Frequency Coordination Limits:
  - (a) Range of Satellite Arc
    - (1) Eastern Limit: 60° W.
    - (2) Western Limit: 135° W.
  - (b) Earth Station Elevation at:
    - (1) Eastern Limit of Arc: 11.7°
    - (2) Western Limit of Arc: 41.3°

## COVERAGE MAP



CASE #96-261-SPH (Item 260)

REQUESTS OF  
THE RODGERS FORGE COMMUNITY, INC.  
and  
THE SCHWARTZ AVENUE NEIGHBORHOOD GROUP  
CONCERNING TRANSMIT EQUIPMENT  
IN REAR OF 6400 YORK ROAD

Prior to the operation of transmit equipment, the Petitioner shall:

- A. Install a security alarm or motion detector on the fence of the rear dish field that will alert studio personnel concerning authorized access within that area;
- B. Petitioner shall also install barbed wire or additional security wire atop the existing chain link fence;
- C. Post all four sides of the existing fence with appropriate no trespassing or caution signs, which signs shall be affixed to the fence;
- D. Post a no trespassing or caution sign in the ground in front of the subject fence<sup>1</sup>; and
- E. Adopt a procedure that will require a station engineer or technician to continuously monitor from within the studio building dish alignment during signal transmission to a satellite.

2. Within one hundred twenty (120) days from the date this zoning order becomes final, the Petitioner shall install the additional landscaping in the front yard of the subject property as shown on Petitioner's Exhibit 1.

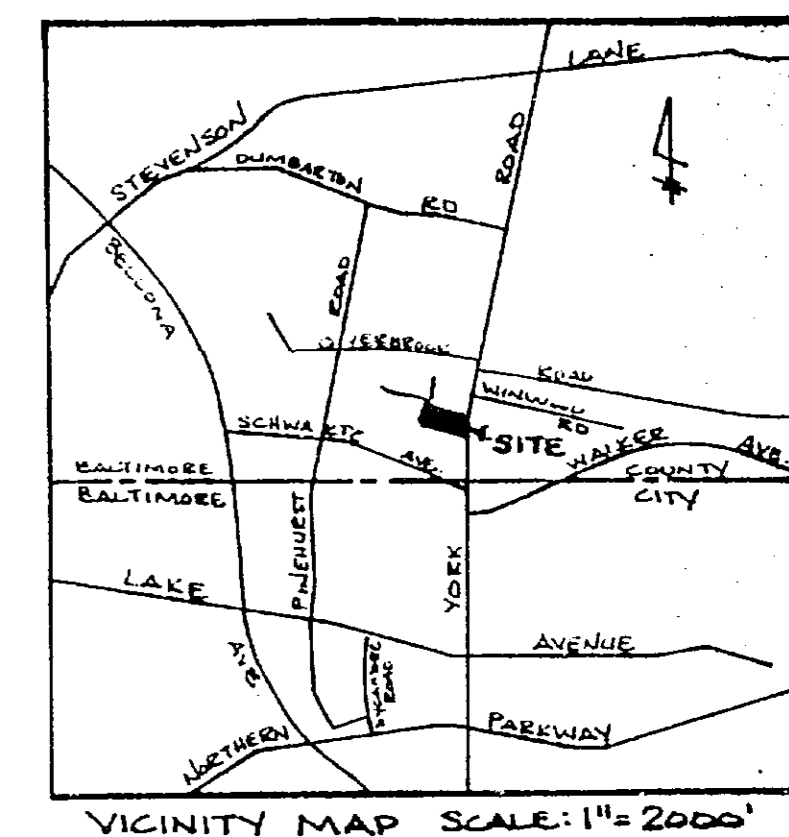
<sup>1</sup> Requested by Schwartz Avenue Neighborhood Group.

- A→E shall be done within 45 days

ST. PIUS X SCHOOL

ARCHDIOCESE OF BALTIMORE

RECTORY



ATHLETIC FIELD  
BALTIMORE COUNTY, MD

THIS EXISTING DISH  
SUBJECT OF SPECIAL  
HEARING:  
PROPOSED TRANSMIT  
EQUIPMENT TO BE  
ADDED TO EX. DISH

FORGE PARK

YORK RD. PLAZA

EXISTING SITE PLAN

SCALE 1" = 40'

WMAR - TV CHANNEL 2  
Petition for Special Hearing

#6400 York Road  
SCRIPPS HOWARD BROADCASTING COMPANY  
Liber S.M. 8806 Folio 669  
9th Election District  
4th Councilmatic District  
Zoned D.R. 5.5  
Baltimore County, Maryland  
Property Gross Area: 4.118 Ac.±  
Net Area: 3.921 Ac.±

**WFK** WILLIAM F. KIRWIN, INC.  
Land Planning/Landscape Architecture  
28 E. Susquehanna Avenue  
Towson, MD 21204  
Phone 301/337-0075

# PREVIOUS ZONING CASES:

92-420-SPHA Special Hearing to amend special exception and site plan granted in 84-268-X SPH to permit construction of one additional satellite receiving dish and to permit an accessory satellite dish field in the rear/side yard and a petition for zoning variance requesting relief from Section 429.2 of B.C.Z.P. to permit an accessory satellite dish to be located in the front yard in lieu of the required rear yard and to permit a dish of 16.5 feet in diameter in lieu of the maximum permitted 10'.

Approved June 18, 1992 subject to the following restrictions:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- All satellite dishes installed on the subject property shall be "receiving dishes" only, and shall not constitute "sending" units. This restriction may only be modified by way of a future public hearing.
- Within thirty (30) days of the date of this Order, the Petitioner shall submit a landscape plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. In addition to the landscaping required by the Office of Planning, the Petitioner shall also continue the existing row of white pines located along the rear westernmost property line of the subject site. All landscaping shall be completed within one (1) year of the date of this Order.
- The flood lights mounted on the Petitioner's building shall be directed in a downward manner to mitigate the spillage of light onto nearby residences.
- When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

84-268-SPH to permit construction of 2 additional satellite receive antenna subject to the following restrictions:

- 3 meter dish shall have a maximum height of 12'.
- Approval of aforementioned site plan by the Office of Planning and Zoning

Approved April 13, 1984.

82-254-X SPH to allow construction of a satellite receive antenna subject to the following restrictions:

- The site plan shall indicate the exact placement of the satellite receive antenna.
- The satellite receive antenna shall be a "7 meter dish", a maximum height of 28', and be housed on a concrete pad installed flush with ground level at ground's highest level.
- Landscaping shall be in accordance with the Petitioner's Exhibits 4 and 5.
- A revised site plan, incorporating the above restrictions, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

Also to extend the boundaries of the existing studio to include additional parking subject to the following restrictions:

- Compliance with Section 409.4 of the Baltimore County Zoning Regulations.
- The site plan shall indicate all existing parking on the entire site.
- Evergreen screening shall be planted on the west and south sides of the subject property adjacent to the Baltimore County Park.
- A revised site plan, incorporating the above restrictions, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning, including landscaping and screening approved by the current Planning and Development Division.

Approved June 3, 1982.

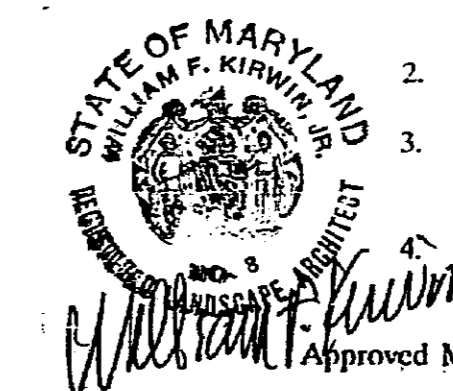
5277-X to the use of the property for a radio station, a television studio and wireless transmitting and receiving structure subject to the following restrictions:

- There will be no wireless transmitting tower, instead there will be a connecting link which consists of a dish-shaped object completely concealed behind a plastic window in the upper portion of the building.
- Adequate parking for both the staff and visitors has been planned and the parking lot shall be screened.
- Final plans shall be submitted to the Office of Planning and Zoning and upon arrival shall be returned to the Zoning Commissioner and made a part of this order.

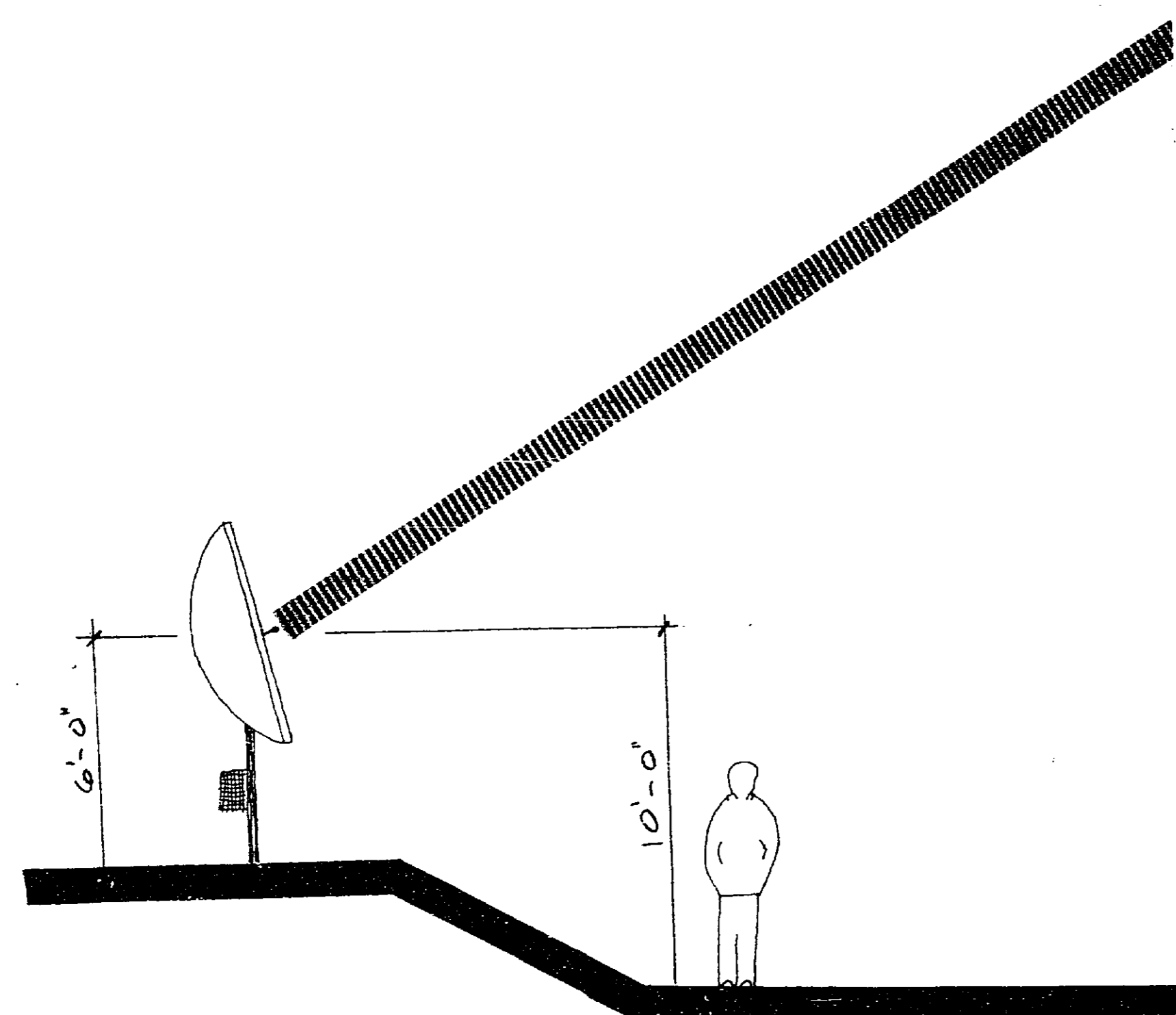
The granting of the special exception is also subject to approval of the plans by the State Roads Commission and the Bureau of Land Development.

Approved May 31, 1961.

Ref Ex #1

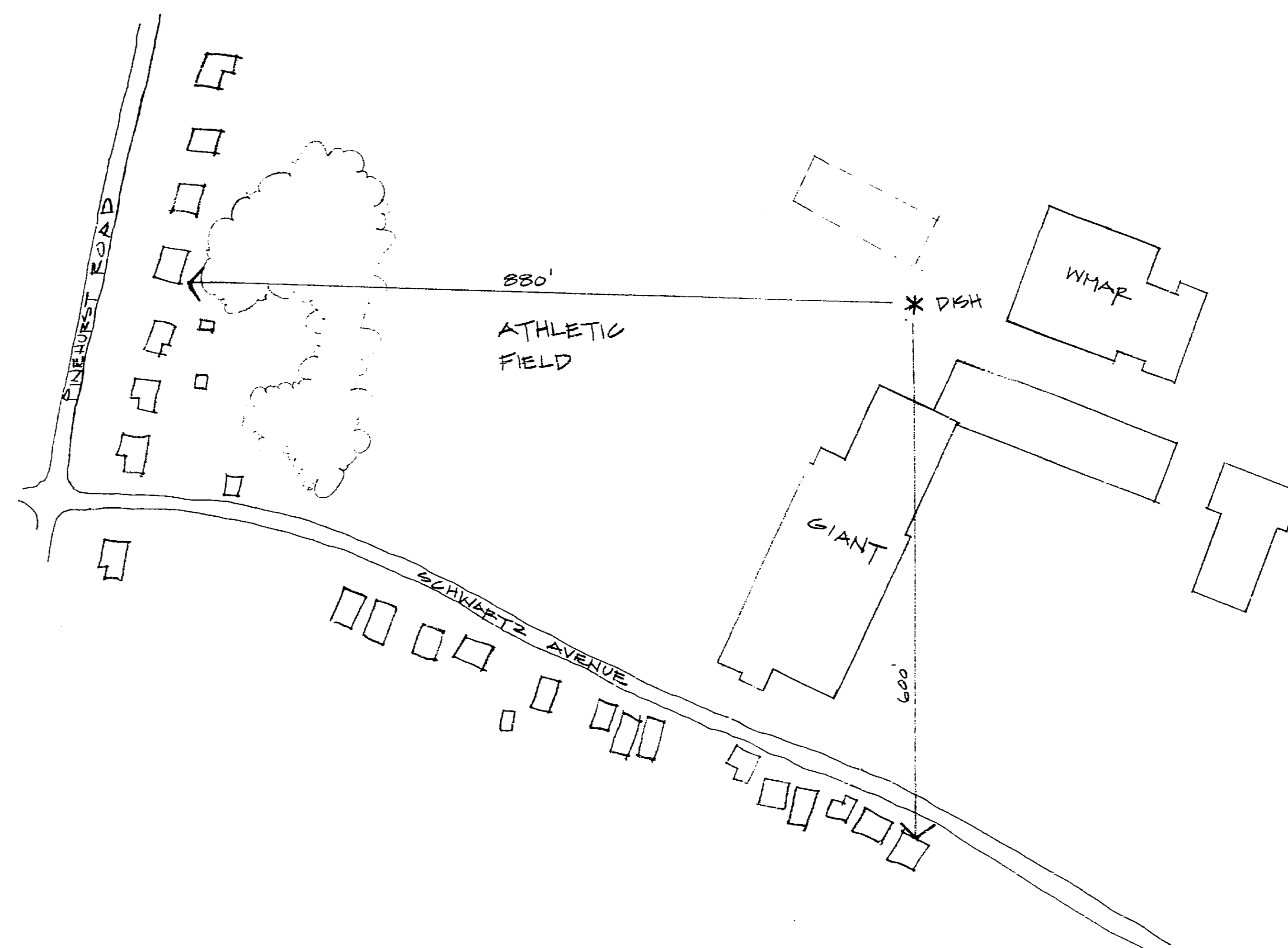


HS-192-96

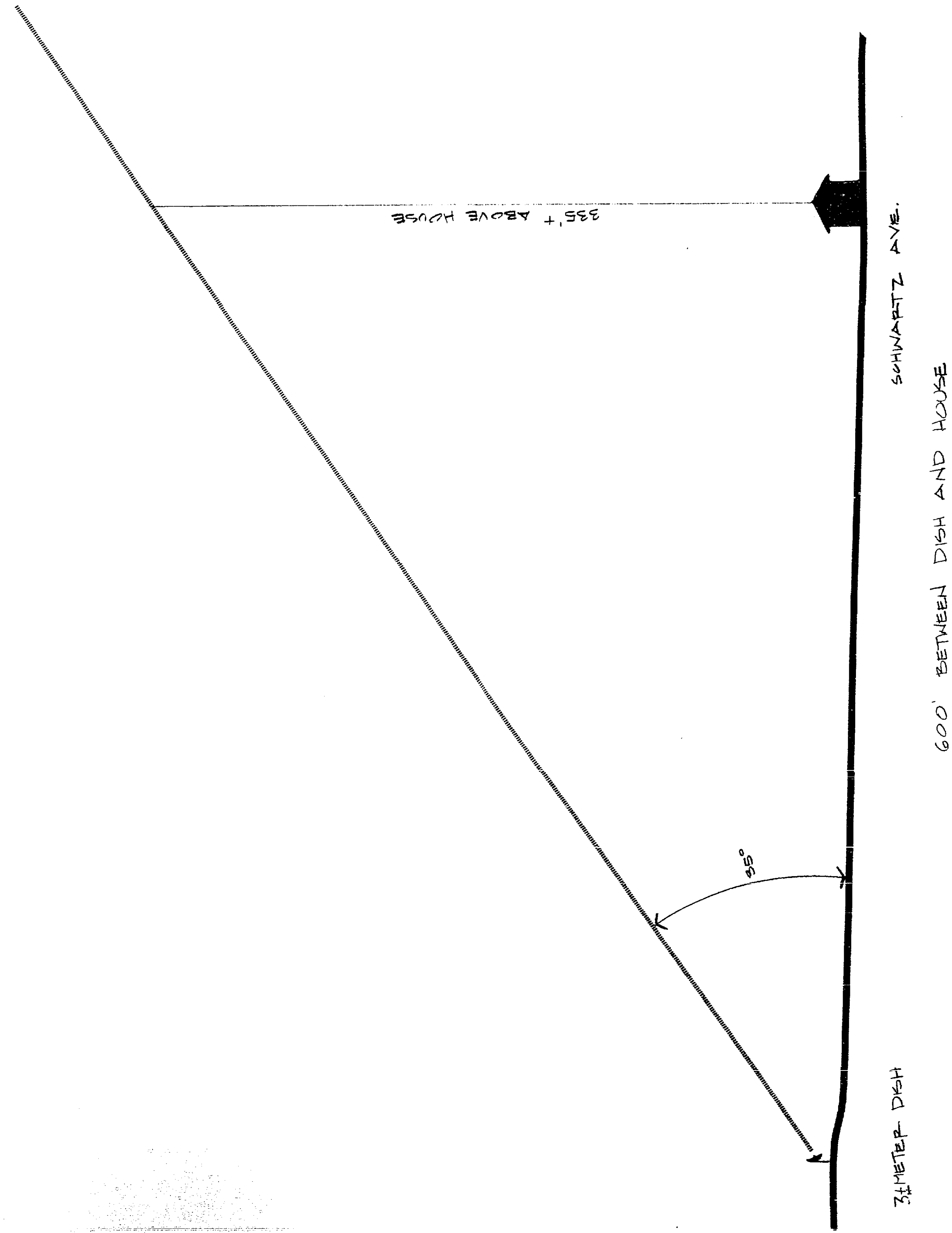


EXISTING CONDITION

4A

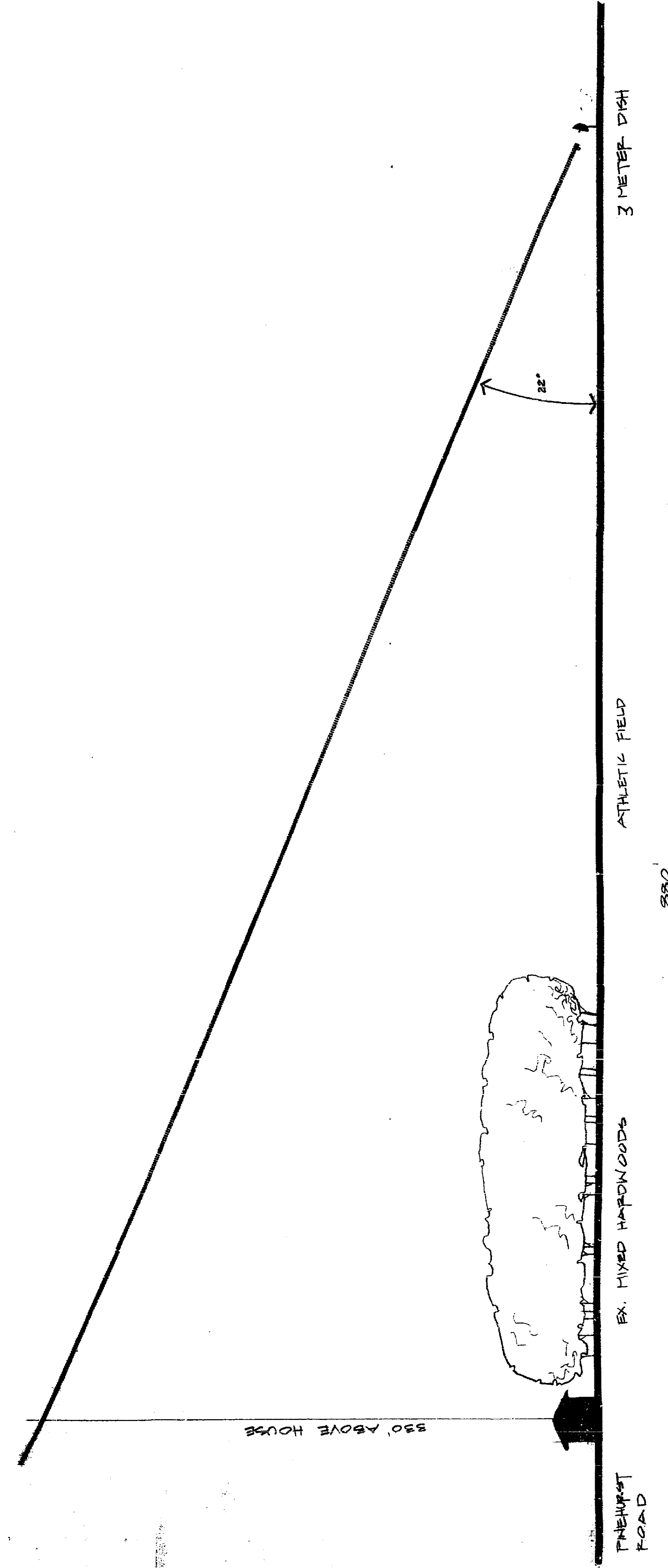


Illustrative Diagram - Plan View  
SATELLITE TRANSMISSION PATHS  
Not to Scale



Illustrative Diagram - Cross Section  
SATELLITE TRANSMITTING TO THE SOUTH  
Not to Scale

4C



Illustrative Diagram - Cross Section  
SATELLITE TRANSMITTING TO THE WEST  
Not to Scale

4D